**STATE OF ILLINOIS**

# HOUSE JOURNAL

**HOUSE OF REPRESENTATIVES**

**NINETY-SIXTH GENERAL ASSEMBLY**

**36TH LEGISLATIVE DAY**

**REGULAR & PERFUNCTORY SESSION**

**TUESDAY, MARCH 31, 2009**

**12:24 O'CLOCK P.M.**

NO. 36

**HOUSE OF REPRESENTATIVES**
**Daily Journal Index**
**36th Legislative Day**

The House met pursuant to adjournment.
Representative Lyons in the chair.
Prayer by Reverend Patricia Havis, who is the Pastor of Trinity CME Church in Decatur, IL.
Representative Phelps led the House in the Pledge of Allegiance.
By direction of the Speaker, a roll call was taken to ascertain the attendance of Members, as follows:
115 present. (ROLL CALL 1)

By unanimous consent, Representatives Boland, Moffitt and Mulligan were excused from attendance.

## REQUEST TO BE SHOWN ON QUORUM

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Moffitt, should be recorded as present at the hour of 1:05 o'clock p.m.

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Mulligan, should be recorded as present at the hour of 4:25 o'clock p.m.

## REPORTS

The Clerk of the House acknowledges receipt of the following correspondence:

Notice of Proposed Short Term Borrowing, submitted by Office of the Governor on March 27, 2009.

Report on funds received to purchase one in-car video camera, submitted by Village of Hampton Police Department on March 30, 2009.

Report on funds received to purchase one in-car video camera, submitted by Rock Falls Police Department on March 30, 2009.

Report on funds received to purchase one in-car video camera, submitted by Blandinsville Police Department on March 30, 2009.

Report regarding the Issuance of Debt for the CTA's Retirement Plan, submitted by Chicago Transit Authority on March 30, 2009.

Flexible Work Schedule Plan, submitted by Department of Veterans' Affairs on March 30, 2009.

Annual Report, 2008, submitted by Illinois Motor Vehicle Theft Prevention Council on March 30, 2009.

Annual Report, 2009, submitted by Illinois Criminal Justice Information Authority and the Integrated Justice Information System Implementation Board on March 31, 2009.

Annual Report, FY 2006-2008, submitted by Department of Healthcare and Family Services on March 31, 2009.

## TEMPORARY COMMITTEE ASSIGNMENTS

Representative Mautino replaced Representative Turner in the Committee on Rules on March 31, 2009.

Representative McCarthy replaced Representative Arroyo in the Committee on Executive on March 31, 2009.

Representative Burns replaced Representative Berrios in the Committee on Executive on March 31, 2009.

Representative Lang replaced Representative Turner in the Committee on Executive on March 31, 2009.

## REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on March 31, 2009, reported the same back with the following recommendations:

**LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:**

Executive: HOUSE BILL 3874.

The committee roll call vote on the foregoing Legislative Measure is as follows:
3, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson
A Lang(D)
Y Mautino(D) (replacing Turner)
A Black(R), Republican Spokesperson
Y Schmitz(R)

## REPORT FROM STANDING COMMITTEES

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on March 31, 2009, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 364.

The committee roll call vote on Senate Bill 364 is as follows:
11, Yeas; 0, Nays; 0, Answering Present.

Y Burke(D), Chairperson
Y Brady(R), Republican Spokesperson
Y McCarthy(D) (replacing Arroyo)
Y Biggins(R)
Y Sullivan(R)
Y Lang(D) (replacing Turner)
Y Lyons(D), Vice-Chairperson
Y Acevedo(D)
Y Burns(D) (replacing Berrios)
Y Rita(D)
Y Tryon(R)

## MOTIONS SUBMITTED

Representative Reitz submitted the following written motion, which was placed on the order of Motions in Writing:

**MOTION**

Pursuant to Rule 60(b), I move to table HOUSE BILL 3830.

Representative Sacia submitted the following written motion, which was placed on the order of Motions in Writing:

**MOTION**

Pursuant to Rule 60(b), I move to table HOUSE BILL 3957.

Representative Chapa LaVia submitted the following written motion, which was placed on the order of Motions in Writing:

**MOTION**

Pursuant to Rule 60(b), I move to table HOUSE RESOLUTION 88.

## LAND CONVEYANCE APPRAISAL NOTES SUPPLIED

Land Conveyance Appraisal Notes have been supplied for HOUSE BILLS 2485, as amended and 3653, as amended.

## FISCAL NOTES SUPPLIED

Fiscal Notes have been supplied for HOUSE BILLS 198, 2547, 2627, as amended, 3599 and 4239, as amended.

## HOUSING AFFORDABILITY IMPACT NOTES SUPPLIED

Housing Affordability Impact Notes have been supplied for HOUSE BILLS 583, as amended, 2485, as amended and 3653, as amended.

## JUDICIAL NOTES SUPPLIED

Judicial Notes have been supplied for HOUSE BILLS 152, as amended, 583, as amended, 2485, as amended, 2627, as amended, 3599, as amended and 3653, as amended.

## CORRECTIONAL NOTES SUPPLIED

Correctional Notes have been supplied for HOUSE BILLS 152, as amended, 2627, as amended and 3653, as amended.

## STATE MANDATES FISCAL NOTES SUPPLIED

State Mandates Fiscal Notes have been supplied for HOUSE BILLS 2354, as amended, 2485, as amended, 3599, as amended and 4051, as amended.

## HOME RULE NOTES SUPPLIED

Home Rule Notes have been supplied for HOUSE BILLS 2485, as amended and 3599, as amended.

## PENSION NOTES SUPPLIED

Pension Notes have been supplied for HOUSE BILLS 152, as amended and 687.

## BALANCED BUDGET NOTES SUPPLIED

Balanced Budget Notes have been supplied for HOUSE BILLS 583, as amended and 3653, as amended.

## STATE DEBT IMPACT NOTE SUPPLIED

A State Debt Impact Note has been supplied for HOUSE BILL 152, as amended.

## REQUEST FOR HOUSING AFFORDABILITY IMPACT NOTE

Representative Reis requested that a Housing Affordability Impact Note be supplied for HOUSE BILL 687.

## REQUEST FOR LAND CONVEYANCE APPRAISAL NOTE

Representative Reis requested that a Land Conveyance Appraisal Note be supplied for HOUSE BILL 687.

## REQUEST FOR PENSION NOTE

Representative Reis requested that a Pension Note be supplied for HOUSE BILL 687.

## REQUEST FOR STATE MANDATES FISCAL NOTE

Representative Winters requested that a State Mandates Fiscal Note be supplied for HOUSE BILL 2485, as amended.

## FISCAL NOTE REQUEST WITHDRAWN

Representative Black withdrew his request for a Fiscal Note on HOUSE BILL 2547.

## BALANCED BUDGET NOTE REQUEST WITHDRAWN

Representative Black withdrew his request for a Balanced Budget Note on HOUSE BILL 2547.

## MESSAGES FROM THE SENATE

A message from the Senate by
Ms. Rock, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 367

A bill for AN ACT concerning State government.
Passed by the Senate, March 31, 2009.

Jillayne Rock, Secretary of the Senate

The foregoing SENATE BILL 367 was ordered reproduced and placed on the order of Senate Bills - First Reading.

A message from the Senate by
Ms. Rock, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 1522

A bill for AN ACT concerning revenue.

SENATE BILL NO. 1535

A bill for AN ACT concerning public health.

SENATE BILL NO. 1538

A bill for AN ACT concerning State government.

SENATE BILL NO. 1541

A bill for AN ACT concerning transportation.

SENATE BILL NO. 1544

A bill for AN ACT concerning finance.

SENATE BILL NO. 1549

A bill for AN ACT to revise the law by combining multiple enactments and making technical corrections.

SENATE BILL NO. 1552

A bill for AN ACT regarding disabled persons.

SENATE BILL NO. 1555

A bill for AN ACT concerning revenue.

SENATE BILL NO. 1559

A bill for AN ACT concerning vehicle identification.

SENATE BILL NO. 1560

A bill for AN ACT concerning civil law.

SENATE BILL NO. 1563

A bill for AN ACT concerning children.

SENATE BILL NO. 1576

A bill for AN ACT concerning State government.

SENATE BILL NO. 1583

A bill for AN ACT concerning public aid.

SENATE BILL NO. 1586

A bill for AN ACT concerning transportation.

SENATE BILL NO. 1587

A bill for AN ACT concerning land.

SENATE BILL NO. 1590

A bill for AN ACT concerning civil law.

SENATE BILL NO. 1591

A bill for AN ACT concerning government.

Passed by the Senate, March 31, 2009.

Jillayne Rock, Secretary of the Senate

The foregoing SENATE BILLS 1522, 1535, 1538, 1541, 1544, 1549, 1552, 1555, 1559, 1560, 1563, 1576, 1583, 1586, 1587, 1590 and 1591 were ordered reproduced and placed on the order of Senate Bills - First Reading.

## CHANGE OF SPONSORSHIPS

With the consent of the affected members, Representative Coulson was removed as principal sponsor, and Representative Cole became the new principal sponsor of HOUSE BILL 3257.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Fortner became the new principal sponsor of HOUSE BILL 3258.

With the consent of the affected members, Representative Reboletti was removed as principal sponsor, and Representative Zalewski became the new principal sponsor of HOUSE BILL 3857.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Jerry Mitchell became the new principal sponsor of HOUSE BILL 3350.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Bassi became the new principal sponsor of HOUSE BILL 3325.

With the consent of the affected members, Representative Nekritz was removed as principal sponsor, and Representative Mell became the new principal sponsor of HOUSE BILL 271.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Pihos became the new principal sponsor of HOUSE BILL 3260.

With the consent of the affected members, Representative Jehan Gordon was removed as principal sponsor, and Representative Hamos became the new principal sponsor of HOUSE BILL 3901.

With the consent of the affected members, Representative Coulson was removed as principal sponsor, and Representative Kosel became the new principal sponsor of HOUSE BILL 3075.

## HOUSE RESOLUTIONS

The following resolutions were offered and placed in the Committee on Rules.

### HOUSE RESOLUTION 235

Offered by Representative Leitch:

WHEREAS, The Illinois Mine Subsidence Insurance Fund was created by the Illinois General Assembly in 1979; and

WHEREAS, The purpose of the Illinois Mine Subsidence Insurance Fund is to ensure that financial resources are available to owners of property damaged by mine subsidence so that those damages can be repaired; and

WHEREAS, The Fund does this by providing reinsurance to insurance companies, conducting geotechnical investigations to determine if mine subsidence caused the damage, supporting research to mitigate structural damage, and educating the public about the use of insurance to lessen the risk of financial loss resulting from mine subsidence; and

WHEREAS, Mine subsidence is lateral or vertical ground movement caused by a failure initiated at the mine level that can directly damage structures; and

WHEREAS, Illinois has approximately 5,000 abandoned mines and an estimated 330,000 housing units with possible exposure to mine subsidence; and

WHEREAS, All damage caused by a single mine subsidence event or several mine subsidence events that are continuous shall constitute one occurrence; and

WHEREAS, The total amount of the loss reimbursable to an insurer shall be limited to the amount of insurance reinsured by the Fund in force at the time when the damage first became reasonably observable; and

WHEREAS, An insurer may refuse to provide mine subsidence coverage on a property evidencing unrepaired mine subsidence damage until such damage has been repaired; and

WHEREAS, The General Assembly has grappled for years with the public policy question of how to better educate, notify, and protect the public regarding confirmed cases of mine subsidence; and

WHEREAS, The Illinois Mine Subsidence Insurance Fund is empowered to conduct research programs in an effort to improve the administration of the mine subsidence insurance program and help reduce and mitigate mine subsidence losses consistent with the public interest; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Illinois Mine Subsidence Insurance Fund shall conduct a study to determine the cost and feasibility of disclosing to the public the property location and other pertinent information of all confirmed mine subsidence losses to residential property; and be it further

RESOLVED, That the Fund shall provide a written response to the Illinois House of Representatives by December 15, 2009.

HOUSE RESOLUTION 239

Offered by Representative Flider:

WHEREAS, The manufacturing sector is a backbone of the Illinois economy and employs more than 620,000 Illinois workers directly, while contributing the single largest share (13 percent) of the State's Gross Domestic Product; and

WHEREAS, Illinois manufacturers have played a major role in nearly every historic event, from the advent of the assembly line to the Industrial Revolution; and

WHEREAS, Illinois' community college system has 48 community colleges, serving nearly one million people across the State with a comprehensive mission; and

WHEREAS, Community colleges serve 64 percent of people receiving a post-secondary education, while emphasizing open enrollment and serve individuals with all types of backgrounds and skills; and

WHEREAS, Manufacturers and community colleges work together on a regular basis to ensure that Illinois residents have the necessary skills and training to compete in today's global economy; and

WHEREAS, It is imperative to provide adequate job training funding for manufacturing curricula and workforce development programs like the Manufacturing Skills Standard Council and other training programs to help unemployed workers, current employees, and students; and

WHEREAS, It is essential that job training programs be provided to community colleges in all areas of the State, including those in areas that have been harmed by the economic downturn; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we strongly urge Governor Pat Quinn to support the provision of $10 million in funding for community colleges to invest in manufacturing workforce development and job training so that employers can be assured of an adequate supply of qualified workers and Illinois residents can be prepared for good paying jobs in today's high performance manufacturing sector; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Governor Pat Quinn.

HOUSE RESOLUTION 240

Offered by Representative William Davis:

WHEREAS, The Illinois Board of Higher Education's reports on college and university enrollment indicate an alarming scarcity of male students of African-American descent currently enrolled and pursuing post-secondary education; and

WHEREAS, This scarcity makes African-American males, far and away, the least represented demographic group on college and university campuses, both in number and in percentage of total Illinois population; and

WHEREAS, It is widely recognized that attainment of post-secondary education is a clear indicator of increased earning potential and employment stability, and decreased likelihood of criminal activity and incarceration; and

WHEREAS, Several organizations and institutions, including the Illinois Committee on Black Concerns in Higher Education, Chicago State University, the University of Illinois at Chicago, the Chicago Urban League, the City Colleges of Chicago, the Chicago Public Schools, the Brother 2 Brother Program of the South Metropolitan Regional Education Consortium, the Illinois Task Force on the Condition of the African American Male, and Macy's Department Stores have formed a working coalition to examine and promote increased support of African American males in higher education; and

WHEREAS, This coalition has planned several events and activities during the month of April of 2009 to study those factors contributing to low participation and success of African-American Males in higher education, and to provide resources to improve the success and persistence of current African-American male students; and

WHEREAS, This legislative body recognizes the importance of increasing the success and persistence of African-American male students to the entire State of Illinois, particularly to the State's welfare and economy; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the month of April, 2009 be recognized as the Month of

the African-American Male in Illinois Higher Education; and be it further

RESOLVED, That this body congratulates the above mentioned coalition for its efforts in raising the public's awareness of lower than acceptable enrollment and success rates for African-American males on college and university campuses, for examining potential barriers to African-American male student success, for exploring best practices for increasing African-American male success and participation, and for providing resources and support to currently enrolled African-American male students.

## HOUSE RESOLUTION 245

Offered by Representative Watson:

WHEREAS, For nearly twenty years, the Illinois Department of Transportation has maintained a commitment to the General Assembly that highway funding shall be distributed in a manner so that Northeastern Illinois receives 45% of funding and downstate receives 55% of funding; and

WHEREAS, The State is currently divided into nine highway districts, with District 1 encompassing Cook, Lake, McHenry, Kane, DuPage, and Will Counties and all other downstate counties divided into districts 2 through 9; and

WHEREAS, Over 81% of the State's roadways and 78% of the State's bridges are located in downstate Illinois; and

WHEREAS, Highway districts 2 through 9, representing downstate Illinois, include more than 13,300 miles of highways, compared to 3,000 miles within District 1; and

WHEREAS, Highways in downstate Illinois provide vital access to all regions of the State, connect Illinois to neighboring states, and serve as major arteries for the State's economy and commerce; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Governor, the Department of Transportation, and the General Assembly to maintain the current practice of distributing highway funds with ratio of 45% to northeastern Illinois and 55% to downstate Illinois; and be it further

RESOLVED, That we express our belief that a capital program or any new highway funding should uphold the longstanding commitment of distributing highway funds in this manner; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Governor, the Secretary of the Illinois Department of Transportation, the Speaker and Minority Leader of the Illinois House of Representatives, and the President and Minority Leader of the Illinois Senate.

## HOUSE RESOLUTION 246

Offered by Representative Connelly:

WHEREAS, Neurofibromatosis is a genetic disorder that causes growths and tumors to form on nerves; neurofibromatosis is one of the most common genetic disorders, approximately one in every 3,000 babies born has neurofibromatosis; neurofibromatosis occurs in both genders, and all ethnic groups equally; and

WHEREAS, There are two types of neurofibromatosis: Type 1 is a form of neurofibromatosis that can be inherited from a parent or be a spontaneous mutation and affects a gene on chromosome 17; people with this type of neurofibromatosis generally have brown oval or circular spots on the skin called cafe-au-lait spots and freckles under the arm or in the groin area; they also have benign soft tumors or lumps under the skin called neurofibroma; and

WHEREAS, Neurofibromatosis Type 1 often causes learning difficulties in children, and can also affect physical growth; tumors may form along nerves anywhere in the body; and it can cause atrophy, pseudarthrosis, scoliosis, plexiform neurofibroma, bright spots on the brain, optic glioma, depression, executive function issues, and other psychological issues; and

WHEREAS, Neurofibromatosis Type 2 is also inherited or a spontaneous mutation caused by a change in a gene on chromosome 22; neurofibromatosis Type 2 is sometimes referred to as central neurofibromatosis or bilateral acoustic neuroma; neurofibromatosis Type 2 affects nerves next to the brain or spinal chord and can cause serious disabilities; and

WHEREAS, People with neurofibromatosis Type 2 have tumors that affect hearing and balance, and

they can have tumors that push on the brain or spinal chord, as well as tumors along the peripheral nerves; these problems can cause weakness and seizures; and

WHEREAS, Neurofibromatosis Inc. Midwest is a network that provides information on neurofibromatosis, makes referrals to local medical resources, sponsors national and local conferences for neurofibromatosis families, as well as other services; their mission is to create a community of support for individuals and families affected by neurofibromatosis; and

WHEREAS, May is National Neurofibromatosis Month; Great Steps for Neurofibromatosis 2009 will take place at the Naperville Riverwalk on Saturday, June 6, 2009 and in Effingham on June 20, 2009; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we proclaim May of 2009 as Neurofibromatosis Month in the State of Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Neurofibromatosis Inc. Midwest as a symbol of our respect.

## HOUSE JOINT RESOLUTION 42

Offered by Representative Smith:

WHEREAS, School leadership is second only to classroom instruction among school-related factors influencing student learning; and

WHEREAS, The 95th General Assembly adopted House Joint Resolution 66, which directed the State Board of Education, the Board of Higher Education, and the Office of the Governor to jointly appoint a task force to recommend a sequence of strategic steps to implement improvements in school leadership preparation in this State; and

WHEREAS, The Illinois School Leader Task Force submitted a report to the General Assembly in February of 2008 outlining specific strategic steps to reform Illinois school leader preparation programs with the goal of increasing school improvement through instructional leadership; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that based upon the recommendations set forth by the Illinois School Leader Task Force report, the State Board of Education, in collaboration with the Board of Higher Education, shall prepare legislative recommendations to restructure school leader preparation and certification programs in this State; and be it further

RESOLVED, That that these recommendations may include, but not be limited to, the following:

(1) reviewing the educator certification structure to more accurately include a professional educator license to reflect essential skills required of school leaders, specifically those of pre-kindergarten through secondary school principals (PK-12);

(2) aligning redesigned programs with national principal preparation standards;

(3) increasing certification and licensure requirements to include 4 years of teaching or school service personnel experience on a valid and appropriate certificate;

(4) ensuring appropriate faculty resources;

(5) establishing quality partnerships with PK-12 school districts;

(6) strengthening candidates' internships and residencies;

(7) revising formative and summative assessments;

(8) designating principal candidates graduating from redesigned school leader preparation programs and successfully passing the State performance-based assessment to receive an endorsement specific to PK-12 principalship;

(9) enabling educators currently holding a general administrative endorsement to retain the endorsement and continue to serve as a principal;

(10) directing all institutions of higher education that prepare principals to submit their redesigned programs for State Teacher Certification Board approval no later than July of 2011; and

(11) stipulating that all principal candidates must complete a redesigned and approved principal preparation program and pass the State performance-based assessment beginning in 2013 to receive a State principal endorsement; and be it further

RESOLVED, That work will already be underway to begin the redesign; and be it further

RESOLVED, That the State Board of Education shall present its legislative recommendations to the General Assembly by February of 2010; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Chairperson of the State Board of Education and the Chairperson of the Board of Higher Education.

HOUSE JOINT RESOLUTION 43

Offered by Representative Madigan:

WHEREAS, Electricity prices in the past 3 years have been volatile, particularly for states that have deregulated their public utility electric generation; and

WHEREAS, Non-residential customers have a wide variety of non-utility retail electricity suppliers that provide them a choice of competitive electricity supply; and

WHEREAS, Alternative retail sources of electricity have not developed to any great extent for residential customers since residential customer choice was enacted in Illinois in 2002; and

WHEREAS, The volatility of electricity prices has placed financial stress on residential customers, and low-income residential customers in particular; and

WHEREAS, Since 2001, many states have abandoned, modified, or curtailed their public utility deregulation initiatives; and

WHEREAS, Several states that deregulated their public utilities prior to 2001, including Illinois, have explored ways to mitigate the more volatile aspects of deregulation; and

WHEREAS, One of the methods of mitigating price volatility being considered by some states is to allow and facilitate the reintegration of electric generation with their public utilities as a way to provide regulatory price stability to their residential customers; and

WHEREAS, Some public utilities are in the process of analyzing the possibility of reintegrating some affiliated electric generation facilities or constructing electric generation facilities to mitigate price volatility for residential customers; and

WHEREAS, The Illinois Power Agency was created by Public Act 95-0481 and its duties, in part, require the development of "electricity procurement plans to ensure adequate, reliable, affordable, efficient, and environmentally sustainable electric service at the lowest cost over time, taking into account any benefits of price stability"; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Illinois Power Agency in its annual report to the General Assembly as required by Public Act 95-0481 include a discussion about how the Illinois Power Agency could work in cooperation with Illinois electric public utilities to look into the feasibility of (1) integrating existing electric generating facilities into an Illinois electric public utility or (2) the construction of electric generating facilities by an Illinois electric public utility, or any combination thereof, in order to provide rate stability or other benefits to their residential customers; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Director of the Illinois Power Agency.

**AGREED RESOLUTIONS**

The following resolutions were offered and placed on the Calendar on the order of Agreed Resolutions.

HOUSE RESOLUTION 236

Offered by Representative D'Amico:
Honors Father John Trout for his service to Queen of All Saints Basilica in Chicago.

HOUSE RESOLUTION 237

Offered by Representative Flider:
Congratulates Harry Reynolds on his retirement from the Mattoon Journal Gazette.

HOUSE RESOLUTION 238

Offered by Representative Miller:
Congratulates the American Dental Association on its 150th anniversary.

HOUSE RESOLUTION 241

Offered by Representative Hoffman:

WHEREAS, The members of the Illinois House of Representatives are pleased to honor our esteemed former colleague, Gary Hannig, for his many years of service to the people of the 98th District and the State of Illinois; we also wish to congratulate him on his appointment to become Secretary of the Illinois Department of Transportation; and

WHEREAS, Gary Hannig was first elected to office in November of 1978, serving as the youngest member of the House of Representatives for several terms; a proud downstate legislator for 30 years and 15 terms, he faithfully represented the concerns of the farmers, miners, and working families that made up his district and endeavored to ensure their concerns were represented and voices heard at the Illinois State Capitol; and

WHEREAS, Representative Hannig built a reputation as an honest legislator with a ready ear, willing to share his fiscal and budget expertise with new legislators and to work with members on both sides of the aisle to pass legislation to make Illinois a better place to live; always affable and courteous, he took a genuine interest in the lives of his colleagues, legislative staff, and their families; and

WHEREAS, Representative Hannig, throughout his distinguished career, played a role in passing legislation to raise the minimum wage, expand access to health care for the uninsured, protect the rights of union workers, increase the use of alternative energy sources from Illinois farmers, foster rural economic development, increase education funding for local schools, protect the rights of law-abiding gun owners, and strengthen ethics and election statutes, and many significant bills that have made Illinois a better State; and

WHEREAS, Gary Hannig has served on many committees, including the Elementary and Secondary Education, General Services Appropriations, and Agriculture committees; he also served as Deputy Majority Leader and chief budget negotiator for Speaker Michael J. Madigan, and as Chair of the Downstate Democratic Caucus, co-chair of the Legislative Audit Commission, and as a member of the Legislative Sportsmen's Caucus; and

WHEREAS, Gary Hannig paid special attention to charitable organizations in his district, including extensive involvement as a member of the Mt. Olive Knights of Columbus, the Benld Croatian Lodge, and the Litchfield Rotary Club; he has also been honored with numerous awards and commendations from organizations such as the Illinois Education Association, the Illinois Farm Bureau, Lincoln Land Community College, the Illinois Primary Healthcare Association, and the Illinois Retired Teachers Association, among many others; and

WHEREAS, Gary Hannig graduated in the top ten percent of his class at Mt. Olive High School and graduated with honors and a bachelor's degree in accounting from the University of Illinois; he passed the Certified Public Accountant exam in 1975 and worked as a CPA until his election to the Illinois House of Representatives; and

WHEREAS, Gary Hannig lives in Litchfield with his wife, Elizabeth; and while the boundaries of his district changed over the years, his commitment to the people of Central Illinois and the values that make the region a great place to live and raise a family has never wavered; and

WHEREAS, The Illinois House of Representatives has lost an invaluable source of technical and institutional knowledge, and a man who exemplifies the true meaning of public service; and while the members of the Illinois House are sorry that Representative Hannig has left our ranks, they realize that his departure will allow him to make a difference in the lives of many more Illinoisans, and that his knowledge, honesty, and commitment to the people of Illinois is greatly needed at this time of transition in the executive branch of Illinois government; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we wish our former colleague, State Representative Gary Hannig, all the best in his future endeavors, and congratulates him for his appointment to the position of Secretary of the Illinois Department of Transportation and thanks him for his many years of honest and dedicated service to the people of the State of Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be presented to former Illinois State Representative Gary Hannig as an expression of our deep esteem and respect.

HOUSE RESOLUTION 242

Offered by Representative Dunkin:
Congratulates Melvin Van Pebbles on his large body of work in cinema, television, books, and the stage.

HOUSE RESOLUTION 243

Offered by Representative Jehan Gordon:
Congratulates the members of the Peoria Richwoods High School Knights girls basketball team on the occasion of winning the 2008-2009 IHSA Class 3A State Championship.

HOUSE RESOLUTION 244

Offered by Representative Ryg:
Congratulates Tom Webber, Wheeling Park District Board President, on his retirement.

HOUSE JOINT RESOLUTION 41

Offered by Representative Hernandez:
Honors the life and legacy of farm workers' leader Cesar Estrada Chavez.

## DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 1 was distributed to the Members at 12:05 o'clock p.m.

## RECALL

At the request of the principal sponsor, Representative Lang, HOUSE BILL 3844 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

## AGREED RESOLUTION

HOUSE RESOLUTION 200 was taken up for consideration.
Representative Tracy moved the adoption of the agreed resolution.
The motion prevailed and the agreed resolution was adopted.

## HOUSE BILLS ON SECOND READING

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 859 and 2382.

HOUSE BILL 2005. Having been reproduced, was taken up and read by title a second time.

Representative Thapedi offered and withdrew Amendments numbered 1 and 2.

Representative Thapedi offered the following amendment and moved its adoption:

AMENDMENT NO. 3. Amend House Bill 2005 by replacing everything after the enacting clause

with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 15-1508 as follows:

(735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)

Sec. 15-1508. Report of Sale and Confirmation of Sale.

(a) Report. The person conducting the sale shall promptly make a report to the court, which report shall include a copy of all receipts and, if any, certificate of sale.

(b) Hearing. Upon motion and notice in accordance with court rules applicable to motions generally, which motion shall not be made prior to sale, the court shall conduct a hearing to confirm the sale. Unless the court finds that (i) a notice required in accordance with subsection (c) of Section 15-1507 was not given, (ii) the terms of sale were unconscionable, (iii) the sale was conducted fraudulently or (iv) that justice was otherwise not done, the court shall then enter an order confirming the sale. The confirmation order may also:

(1) approve the mortgagee's fees and costs arising between the entry of the judgment of foreclosure and the confirmation hearing, those costs and fees to be allowable to the same extent as provided in the note and mortgage and in Section 15-1504;

(2) provide for a personal judgment against any party for a deficiency; and

(3) determine the priority of the judgments of parties who deferred proving the priority pursuant to subsection (h) of Section 15-1506, but the court shall not defer confirming the sale pending the determination of such priority.

(b-5) Notice with respect to residential real estate. With respect to residential real estate, the notice required under subsection (b) of this Section shall be sent to the mortgagor even if the mortgagor has previously been held in default. In the event the mortgagor has filed an appearance, the notice shall be sent to the address indicated on the appearance. In all other cases, the notice shall be sent to the mortgagor at the common address of the foreclosed property. The notice shall be sent by first class mail. Unless the right to possession has been previously terminated by the court, the notice shall include the following language in 12-point boldface capitalized type:

IF YOU ARE THE MORTGAGOR (HOMEOWNER), YOU HAVE THE RIGHT TO REMAIN IN POSSESSION FOR 30 DAYS AFTER ENTRY OF AN ORDER OF POSSESSION, IN ACCORDANCE WITH SECTION 15-1701(c) OF THE ILLINOIS MORTGAGE FORECLOSURE LAW.

(c) Failure to Give Notice. If any sale is held without compliance with subsection (c) of Section 15-1507 of this Article, any party entitled to the notice provided for in paragraph (3) of that subsection (c) who was not so notified may, by motion supported by affidavit made prior to confirmation of such sale, ask the court which entered the judgment to set aside the sale~~, provided that such party shall guarantee or secure by bond a bid equal to the successful bid at the prior sale~~. Any such party shall guarantee or secure by bond a bid equal to the successful bid at the prior sale, unless the party seeking to set aside the sale is the mortgagor, the real estate sold at the sale is residential real estate, and the mortgagor occupies the residential real estate at the time the motion is filed. In that event, no guarantee or bond shall be required of the mortgagor. Any subsequent sale is subject to the same notice requirement as the original sale.

(d) Validity of Sale. Except as provided in subsection (c) of Section 15-1508, no sale under this Article shall be held invalid or be set aside because of any defect in the notice thereof or in the publication of the same, or in the proceedings of the officer conducting the sale, except upon good cause shown in a hearing pursuant to subsection (b) of Section 15-1508. At any time after a sale has occurred, any party entitled to notice under paragraph (3) of subsection (c) of Section 15-1507 may recover from the mortgagee any damages caused by the mortgagee's failure to comply with such paragraph (3). Any party who recovers damages in a judicial proceeding brought under this subsection may also recover from the mortgagee the reasonable expenses of litigation, including reasonable attorney's fees.

(e) Deficiency Judgment. In any order confirming a sale pursuant to the judgment of foreclosure, the court shall also enter a personal judgment for deficiency against any party (i) if otherwise authorized and (ii) to the extent requested in the complaint and proven upon presentation of the report of sale in accordance with Section 15-1508. Except as otherwise provided in this Article, a judgment may be entered for any balance of money that may be found due to the plaintiff, over and above the proceeds of the sale or sales, and enforcement may be had for the collection of such balance, the same as when the judgment is solely for the payment of money. Such judgment may be entered, or enforcement had, only in cases where personal service has been had upon the persons personally liable for the mortgage indebtedness, unless they have entered their appearance in the foreclosure action.

(f) Satisfaction. Upon confirmation of the sale, the judgment stands satisfied to the extent of the sale price less expenses and costs. If the order confirming the sale includes a deficiency judgment, the judgment

shall become a lien in the manner of any other judgment for the payment of money.

(g) The order confirming the sale shall include, notwithstanding any previous orders awarding possession during the pendency of the foreclosure, an award to the purchaser of possession of the mortgaged real estate, as of the date 30 days after the entry of the order, against the parties to the foreclosure whose interests have been terminated.

An order of possession authorizing the removal of a person from possession of the mortgaged real estate shall be entered and enforced only against those persons personally named as individuals in the complaint or the petition under subsection (h) of Section 15-1701 and in the order of possession and shall not be entered and enforced against any person who is only generically described as an unknown owner or nonrecord claimant or by another generic designation in the complaint.

Notwithstanding the preceding paragraph, the failure to personally name, include, or seek an award of possession of the mortgaged real estate against a person in the confirmation order shall not abrogate any right that the purchaser may have to possession of the mortgaged real estate and to maintain a proceeding against that person for possession under Article 9 of this Code or subsection (h) of Section 15-1701; and possession against a person who (1) has not been personally named as a party to the foreclosure and (2) has not been provided an opportunity to be heard in the foreclosure proceeding may be sought only by maintaining a proceeding under Article 9 of this Code or subsection (h) of Section 15-1701.

(Source: P.A. 95-826, eff. 8-14-08.)

Section 99. Effective date. This Act takes effect upon becoming law.".

The foregoing motion prevailed and Amendment No. 3 was adopted.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 2969 and 3217.

HOUSE BILL 2625. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Administration, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 2625 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.719 as follows:

(30 ILCS 105/5.719 new)

Sec. 5.719. The International Brotherhood of Teamsters Fund.

Section 10. The Illinois Vehicle Code is amended by adding Section 3-684 as follows:

(625 ILCS 5/3-684 new)

Sec. 3-684. International Brotherhood of Teamsters license plate.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as International Brotherhood of Teamsters license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motor vehicles of the second division weighing not more than 8,000 pounds, recreational vehicles as defined by Section 1-169 of this Code, and boat trailers with a gross trailer weight rating of 10,000 or less pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, shall accompany the application. The Secretary, in his or her discretion, may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of this Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this fee, $25 shall be deposited into the International Brotherhood of Teamsters Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be

used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the International Brotherhood of Teamsters Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The International Brotherhood of Teamsters Fund is created as a special fund in the State treasury. All money in the International Brotherhood of Teamsters Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary of State, as grants to the Teamsters Joint Council 25 Charitable Trust, an independent organization established and registered as a tax exempt entity under Section 501(c)(3) of the Internal Revenue Code, for religious, charitable, scientific, literary, educational, and labor-related purposes, including networking with existing human service systems, providing assistance and information to human service delivery systems on issues affecting labor and employment, and providing members of various unions which make up Teamsters Joint Council 25 with appropriate assistance when needed.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and held on the order of Second Reading: HOUSE BILL 3729.

Having been read by title a second time on March 17, 2009 and held, the following bill was taken up and advanced to the order of Third Reading: HOUSE BILL 583.

HOUSE BILL 3716. Having been reproduced, was taken up and read by title a second time.

Representative Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 3716 by replacing everything after the enacting clause with the following:

"Section 5. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-580 as follows:

(20 ILCS 2605/2605-580)

Sec. 2605-580. Pilot program; Cyber Gang ~~Internet Gang Crime~~ Units.

(a) The Department of State Police shall establish a pilot program from moneys available under which Cyber Gang ~~Internet Gang Crime~~ Units shall be created in the Lake County Metropolitan Enforcement Group and the Cook County Sheriff's Office ~~, the City of Danville Police Department, and the Village of Round Lake Heights Police Department~~. Under the pilot program for the operation of Cyber Gang ~~Internet Gang Crime~~ Units, 50% shall be allocated to the Lake County Metropolitan Enforcement Group and 50% ~~40%~~ shall be allocated to the Cook County Sheriff's Office~~, 30% shall be allocated to the City of Danville Police Department, and 30% shall be allocated to the Village of Round Lake Heights Police Department~~.

(b) Under the pilot program, the Cyber Gang ~~Internet Gang Crime~~ Units shall investigate criminal activities of organized gangs that involve the use of the Internet. For the duration of the pilot program and in accordance with protocols for inter-jurisdictional cooperation established by the Department of State Police, peace officers in each Cyber Gang ~~Internet Gang Crime~~ Unit shall, notwithstanding any other provision of law, have extra-jurisdictional authority to conduct investigations and make arrests anywhere in the State of Illinois regarding criminal activities of organized gangs that involve the use of the Internet.

(c) Notwithstanding any other provision of law, if any criminal statute of this State authorizes the distribution of all or a portion of the proceeds realized from property seized or forfeited under that statute to participating law enforcement agencies or the delivery of property forfeited and seized under that statute to participating law enforcement agencies, a law enforcement agency in which a Cyber Gang ~~an Internet Gang Crime~~ Unit has been created is eligible to receive such a distribution or delivery if that law enforcement agency participated through its Internet Gang Crime Unit, regardless of the jurisdiction in which the seizure or forfeiture occurs.

(d) The Lake County Metropolitan Enforcement Group and the Cook County Sheriff's Office ~~, the City of Danville Police Department, and the Village of Round Lake Heights Police Department~~ shall report to

the Department of State Police on a quarterly basis on the activities of their Cyber Gang ~~Internet Gang Crime~~ Units in accordance with reporting guidelines established by the Department of State Police. The Department of State Police shall file a consolidated report on a quarterly basis with the General Assembly and the Governor. The Department's consolidated report may also contain any evaluations or recommendations that the Department deems appropriate.

(e) The pilot program shall terminate on July 1, 2012 ~~2010~~.

(f) As used in this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(Source: P.A. 95-423, eff. 8-24-07.)

Section 99. Effective date. This Act takes effect upon becoming law.".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 1322. Having been recalled on March 18, 2009, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

HOUSE BILL 3889. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, Regulation, Roads & Bridges, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 3889 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 18d-117 as follows:

(625 ILCS 5/18d-117 new)

Sec. 18d-117. Exemption.

(a) A tower, as defined by Section 1-205.2 of this Code, legally residing in a county not subject to this Chapter pursuant to Section 18d-180 of this Chapter may operate in a county that is subject to this Chapter pursuant to Section 18d-180 for the limited purpose of removing a damaged or disabled vehicle upon the request of the owner or operator legally residing in a county not subject to this Chapter to remove the vehicle and tow the vehicle across county lines to the county where the tower and owner or operator resides.

(b) A tower operating for the limited purpose in subsection (a) is not subject to the provisions of this Chapter.

(c) Subsection (a) does not apply to towers that legally reside in both counties.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 2686. Having been recalled on March 19, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Leitch offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 2686 on page 2, line 1, after "program", by inserting "and to the Board of Higher Education for a grant to the Feinberg School of Medicine at Northwestern University for its forensic psychiatry fellowship training program".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

Having been read by title a second time on March 25, 2009 and held, the following bill was taken up and held on the order of Second Reading: HOUSE BILL 618.

HOUSE BILL 4318. Having been read by title a second time on March 19, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Verschoore offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 4318 by replacing everything after the enacting clause with the following:

"Section 5. The Critical Health Problems and Comprehensive Health Education Act is amended by changing Section 3 as follows:

(105 ILCS 110/3) (from Ch. 122, par. 863)

Sec. 3. Comprehensive Health Education Program. The program established under this Act shall include, but not be limited to, the following major educational areas as a basis for curricula in all elementary and secondary schools in this State: human ecology and health, human growth and development, the emotional, psychological, physiological, hygienic and social responsibilities of family life, including sexual abstinence until marriage, prevention and control of disease, including instruction in grades 6 through 12 on the prevention, transmission and spread of AIDS, sexual assault awareness in secondary schools, public and environmental health, consumer health, safety education and disaster survival, mental health and illness, personal health habits, alcohol, drug use, and abuse including the medical and legal ramifications of alcohol, drug, and tobacco use, abuse during pregnancy, sexual abstinence until marriage, tobacco, nutrition, and dental health. The program shall also provide course material and instruction to advise pupils of the Abandoned Newborn Infant Protection Act. The program shall include information about cancer, including without limitation types of cancer, signs and symptoms, risk factors, the importance of early prevention and detection, and information on where to go for help. Notwithstanding the above educational areas, the following areas may also be included as a basis for curricula in all elementary and secondary schools in this State: basic first aid (including, but not limited to, cardiopulmonary resuscitation and the Heimlich maneuver), ~~early prevention and detection of cancer,~~ heart disease, diabetes, stroke, and the prevention of child abuse, neglect, and suicide.

The school board of each public elementary and secondary school in the State shall encourage all teachers and other school personnel to acquire, develop, and maintain the knowledge and skills necessary to properly administer life-saving techniques, including without limitation the Heimlich maneuver and rescue breathing. The training shall be in accordance with standards of the American Red Cross, the American Heart Association, or another nationally recognized certifying organization. A school board may use the services of non-governmental entities whose personnel have expertise in life-saving techniques to instruct teachers and other school personnel in these techniques. Each school board is encouraged to have in its employ, or on its volunteer staff, at least one person who is certified, by the American Red Cross or by another qualified certifying agency, as qualified to administer first aid and cardiopulmonary resuscitation. In addition, each school board is authorized to allocate appropriate portions of its institute or inservice days to conduct training programs for teachers and other school personnel who have expressed an interest in becoming qualified to administer emergency first aid or cardiopulmonary resuscitation. School boards are urged to encourage their teachers and other school personnel who coach school athletic programs and other extracurricular school activities to acquire, develop, and maintain the knowledge and skills necessary to properly administer first aid and cardiopulmonary resuscitation in accordance with standards and requirements established by the American Red Cross or another qualified certifying agency. Subject to appropriation, the State Board of Education shall establish and administer a matching grant program to pay for half of the cost that a school district incurs in training those teachers and other school personnel who express an interest in becoming qualified to administer cardiopulmonary resuscitation (which training must be in accordance with standards of the American Red Cross, the American Heart Association, or another nationally recognized certifying organization) or in learning how to use an automated external defibrillator. A school district that applies for a grant must demonstrate that it has funds to pay half of the cost of the training for which matching grant money is sought. The State Board of Education shall award the grants on a first-come, first-serve basis.

No pupil shall be required to take or participate in any class or course on AIDS or family life instruction if his parent or guardian submits written objection thereto, and refusal to take or participate in the course or

program shall not be reason for suspension or expulsion of the pupil.

Curricula developed under programs established in accordance with this Act in the major educational area of alcohol and drug use and abuse shall include classroom instruction in grades 5 through 12. The instruction, which shall include matters relating to both the physical and legal effects and ramifications of drug and substance abuse, shall be integrated into existing curricula; and the State Board of Education shall develop and make available to all elementary and secondary schools in this State instructional materials and guidelines which will assist the schools in incorporating the instruction into their existing curricula. In addition, school districts may offer, as part of existing curricula during the school day or as part of an after school program, support services and instruction for pupils or pupils whose parent, parents, or guardians are chemically dependent.

(Source: P.A. 94-933, eff. 6-26-06; 95-43, eff. 1-1-08; 95-764, eff. 1-1-09; revised 9-5-08.)

Section 10. The Interscholastic Athletic Organization Act is amended by adding Section 1.5 as follows:

(105 ILCS 25/1.5 new)

Sec. 1.5. Cancer screening. An association or other entity that has as one of its purposes promoting, sponsoring, regulating, or in any manner providing for interscholastic athletics or any form of athletic competition among schools and students within this State shall include a question asking whether a student has a family history of cancer on any pre-participation examination form given to students participating or seeking to participate in interscholastic athletics. The association or entity may require that a testicular examination be conducted as a part of any physical required for a male student's participation in interscholastic athletics.".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 3691.

Having been read by title a second time on March 3, 2009 and held, the following bill was taken up and advanced to the order of Third Reading: HOUSE BILL 234.

HOUSE BILL 2627. Having been read by title a second time on March 27, 2009, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

## HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Cavaletto, HOUSE BILL 770 was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

115, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 2)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Flider, HOUSE BILL 962 was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

91, Yeas; 24, Nays; 1, Answering Present.

(ROLL CALL 3)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Jerry Mitchell, HOUSE BILL 4206 was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

116, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 4)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

## HOUSE BILLS ON SECOND READING

HOUSE BILL 2451. Having been reproduced, was taken up and read by title a second time.

Representative Dunkin offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 2451 on page 1, line 14, after "parcel", by inserting ", after reasonable notice,"; and
on page 4, line 1, by replacing "notification" with "reasonable notice"; and
on page 6, line 8, after "parcel", by inserting ", after reasonable notice,"; and
on page 12, by replacing lines 12 through 15 with the following:
""Lien cost" means the removal cost and the filing costs for any notice of lien under subsection (b).".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 2485. Having been reproduced, was taken up and read by title a second time.

Representative Nekritz offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 2485 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Child-Safe Chemicals Act.

Section 5. Legislative findings. The General Assembly finds that:

(a) The incidence of some diseases and disorders that have been linked to chemical exposures is on the rise.

(b) The metabolism, physiology, and exposure patterns of developing fetuses, infants, and children to toxic chemicals differ from those of adults, which makes children more vulnerable than adults to the harmful effects of exposure to some synthetic chemicals.

(c) Unlike pharmaceuticals and pesticides, manufacturers of most chemical substances are not required under current law to supply human or environmental toxicity information before selling their products to the public. Consequently, the vast majority of chemicals used in consumer products have never had any federal or state government review to evaluate potential toxicity to the environment, infants, children, developing fetuses, or adults.

(d) To protect children's health, it is important to reduce or eliminate exposures to certain chemicals that are present in children's products or that may be reasonably anticipated to result in children's exposure or be placed in the mouths of children.

Section 10. Definitions.

"Agency" means the Illinois Environmental Protection Agency.

"Manufacturer" means a person who manufactured a final product or whose brand name is affixed to a

product. In the case of a product that was imported into the United States, "manufacturer" includes the importer or domestic distributor of the product if the person who manufactured or assembled the product or whose brand name is affixed to it does not have a presence in the United States.

"Metal can" means a single-walled container that is (i) manufactured from a metal substrate equal to or thinner than 0.0149 inches, (ii) designed to hold or pack any food or beverage, and (iii) sealed by can ends manufactured from metal substrate that is equal to or thinner than 0.0149 inches.

"Person" means any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or his, her, or its legal representative, agent, or assigns.

Section 15. Bisphenol A ban.

(a) Beginning July 1, 2010, no person shall sell, offer to sell, distribute, or offer to distribute any of the following:

(1) Any children's food container, including any baby bottle or sippy cup, that contains bisphenol A if that container (i) is designed, intended, or marketed to be filled with any food or beverage primarily for consumption by children 3 years of age or younger and (ii) is sold or distributed at retail without containing any liquid, food, or beverage.

(2) Any sports water bottle that contains bisphenol A.

(b) This Section does not apply to the sale, offer to sell, distribution, or offer to distribute metal cans.

Section 20. Interstate clearinghouse. The Illinois Environmental Protection Agency and Illinois Department of Public Health are authorized to participate in an interstate clearinghouse to promote safer chemicals in consumer products in cooperation with other states and governmental entities. The Agency and Department may cooperate with the interstate clearinghouse to organize and manage available data on chemicals, including information on uses, hazards, environmental concerns, safer alternatives, and model policies and programs; to provide technical assistance to businesses, consumers, and policy makers related to safer chemicals; and to undertake other activities in support of State programs to promote safer chemicals.

Section 25. Implementation and exemption.

(a) A manufacturer of products restricted under this Act must notify persons that sell the manufacturer's products in this State about the provisions of this Act no less than 90 days before the effective date of the restrictions. A manufacturer that sells or distributes a product prohibited from sale or distribution under this Act shall recall the product and reimburse the retailer or any other purchaser for the product.

(b) A retailer who unknowingly sells a product that is restricted from sale under this Act is not liable under this Act.

Section 30. Enforcement and penalties.

(a) The Attorney General is responsible for administering and ensuring compliance with this Act, including the development and adoption of any rules, if necessary, for the implementation and enforcement of this Act.

(b) The Attorney General shall develop and implement a process for receiving and handling complaints from individuals regarding possible violations of this Act.

(c) The Attorney General may conduct any investigation deemed necessary regarding possible violations of this Act including, without limitation, the issuance of subpoenas to: (i) require the filing of a statement or report or answer interrogatories in writing as to all information relevant to the alleged violations; (ii) examine under oath any person who possesses knowledge or information directly related to the alleged violations; and (iii) examine any record, book, document, account, or paper necessary to investigate the alleged violation.

(d) Service by the Attorney General of any notice requiring a person to file a statement or report, or of a subpoena upon any person, shall be made:

(1) personally by delivery of a duly executed copy thereof to the person to be served or, if a person is not a natural person, in the manner provided in the Code of Civil Procedure when a complaint is filed; or

(2) by mailing by certified mail a duly executed copy thereof to the person to be served at his or her last known abode or principal place of business within this State.

(e) In lieu of a civil action, the individual or entity alleged to have engaged in a pattern or practice deemed violative of this Act may enter into an Assurance of Voluntary Compliance with respect to the alleged pattern or practice violation.

(f) If the Attorney General determines that there is a reason to believe that a violation of the Act has occurred, the Attorney General may bring an action in the name of the People of the State to obtain

temporary, preliminary, or permanent injunctive relief for any act, policy, or practice that violates this Act.

(g) If any person fails or refuses to file any statement or report, or obey any subpoena, issued pursuant to subsection (c) of this Section, the Attorney General may proceed to initiate a civil action pursuant to subsection (f) of this Section, or file a complaint in the circuit court for the granting of injunctive relief, including restraining the conduct that is alleged to violate this Act until the person files the statement or report, or obeys the subpoena.

(h) Relief that may be granted.

(1) In any civil action brought pursuant to subsection (f) of this Section, the Attorney General may obtain as a remedy, equitable relief (including any permanent or preliminary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in a violation or ordering any action as may be appropriate). In addition, the Attorney General may request and the Court may impose a civil penalty in an amount not to exceed $50,000 for each violation. For purposes of this subsection, each item and each standard constitutes a separate violation.

(2) A civil penalty imposed or a settlement or other payment made pursuant to this Act shall be made payable to the Attorney General's State Projects and Court Ordered Distribution Fund, which is created as a special fund in the State Treasury. Moneys in the Fund shall be used, subject to appropriation, for the performance of any function pertaining to the exercise of the duties of the Attorney General including but not limited to enforcement of any law of this State, product testing, and conducting public education programs.

(3) Any funds collected under this Section in an action in which the State's Attorney has prevailed shall be retained by the county in which he or she serves.

(i) The penalties and injunctions provided in this Act are in addition to any penalties, injunctions, or other relief provided under any other law. Nothing in this Act shall bar a cause of action by the State for any other penalty, injunction, or relief provided by any other law.

Section 90. The State Finance Act is amended by adding Section 5.719 as follows:

(30 ILCS 105/5.719 new)

Sec. 5.719. The Attorney General's State Projects and Court Ordered Distribution Fund.".

Floor Amendment No. 2 remained in the Committee on Rules.

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was held on the order of Second Reading.

## RECALL

At the request of the principal sponsor, Representative Eddy, HOUSE BILL 2619 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

## HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Kosel, HOUSE BILL 3721 was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

116, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 5)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Jakobsson, HOUSE BILL 466 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

81, Yeas; 33, Nays; 2, Answering Present.

(ROLL CALL 6)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative McGuire, HOUSE BILL 2314 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

79, Yeas; 36, Nays; 1, Answering Present.

(ROLL CALL 7)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Moffitt, HOUSE BILL 2544 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

86, Yeas; 30, Nays; 0, Answering Present.

(ROLL CALL 8)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Berrios, HOUSE BILL 83 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

76, Yeas; 40, Nays; 0, Answering Present.

(ROLL CALL 9)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Feigenholtz, HOUSE BILL 746 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

116, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 10)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Flowers, HOUSE BILL 19 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

68, Yeas; 47, Nays; 0, Answering Present.

(ROLL CALL 11)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Myers, HOUSE BILL 2455 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

116, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 12)
This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.
Ordered that the Clerk inform the Senate and ask their concurrence.

## AGREED RESOLUTION

HOUSE RESOLUTION 241 was taken up for consideration.
Representative Hoffman moved the adoption of the agreed resolution.
The motion prevailed and the agreed resolution was adopted.

## HOUSE BILL ON SECOND READING

HOUSE BILL 758. Having been reproduced, was taken up and read by title a second time.
The following amendment was offered in the Committee on Disability Services, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 758 on page 1, by replacing line 17 with the following:
"Fund. Not more than $4,500,000 of the Community Mental Health Medicaid Trust Fund may be used by the Department of Human Services' Division of Mental Health for oversight and administration of community mental health services, and of that amount no more than $1,000,000 may be used for the support of community mental health service initiatives. The remainder shall be used for the purchase of community mental health"; and
on page 2, by replacing lines 16 through 21 with the following;
"not subject to administrative charge-backs."; and
on page 5, by replacing lines 2 through 7 with the following:
"Medicaid Trust Fund is not subject to administrative charge-backs."; and
by deleting line 13 on page 6 through line 13 on page 10.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

## HOUSE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Currie, HOUSE BILL 3634 was taken up and read by title a third time.
And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:
89, Yeas; 26, Nays; 0, Answering Present.
(ROLL CALL 13)
This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.
Ordered that the Clerk inform the Senate and ask their concurrence.

## HOUSE BILL ON SECOND READING

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 2502.

## HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Jehan Gordon, HOUSE BILL 2369 was taken up and read by title a third time.

The Chair placed this bill on extended debate.

Pending discussion, Representative Careen Gordon moved the previous question.

And the question being, “Shall the main question be now put?” it was decided in the negative.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

73, Yeas; 42, Nays; 1, Answering Present.

(ROLL CALL 14)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Lang, HOUSE BILL 261 was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

70, Yeas; 45, Nays; 0, Answering Present.

(ROLL CALL 15)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Collins, HOUSE BILL 3795 was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

85, Yeas; 30, Nays; 0, Answering Present.

(ROLL CALL 16)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

## HOUSE BILLS ON SECOND READING

Having been read by title a second time on March 24, 2009 and held, the following bill was taken up and advanced to the order of Third Reading: HOUSE BILL 44.

HOUSE BILL 2298. Having been reproduced, was taken up and read by title a second time.

Representative Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 2298 on page 13, line 24, by inserting after "probation" the following:
"of any first time offender only"; and
on page 14, line 14, by replacing "first degree murder" with "any homicide, use of a deadly weapon,"; and
on page 15, line 5, by inserting after the period the following:
"However, nothing in this paragraph (10) prohibits the judge, State's Attorney, or minor from reviewing the juvenile record of the minor, including the proceedings that resulted in the vacation of the finding of delinquency.".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

## RECALL

At the request of the principal sponsor, Representative Arroyo, HOUSE BILL 44 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

## HOUSE BILLS ON SECOND READING

HOUSE BILL 39. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Moffitt offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 39 on page 1, line 23, after the period, by inserting the following: "Criteria applicable to a spousal caregiver shall include, but need not be limited to, (i) a limitation on the total hours of a spousal caregiver's outside employment plus hours of providing care to his or her eligible spouse to ensure that the complete plan of care is delivered to the eligible spouse and (ii) limitations on a spousal caregiver's participation in the demonstration project if the caregiver has a known history of spousal abuse, neglect, or exploitation."; and

on page 2, line 2, after the period, by inserting the following: "Spousal caregivers shall be paid at the Personal Assistant level of care and pay rate. In those instances in which the eligible spouse requires specialized services (for example, services provided by a certified nursing assistant (CNA), licensed practical nurse (LPN), or registered nurse (RN)) and the spousal caregiver has the corresponding certification or licensure, the spousal caregiver shall be paid the higher rate for the specialized services only. The specialized services the eligible spouse is authorized to receive shall be defined and approved in the services plan."; and

on page 2, after line 21, by inserting the following:

"(11) Monthly in-home monitoring of the health and safety of the eligible spouse.

(12) Documentation of the marital relationship for participation in the demonstration project.

(13) Assurances that the eligible spouse is capable of communicating his or her needs.

(14) Enrollment of an alternative care provider to ensure that there is no disruption of care to the eligible spouse.

(15) Assurances that the spousal caregiver is emotionally, physically, and cognitively able to provide the necessary care to the eligible spouse.".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 236. Having been recalled on March 3, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Ryg offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 236, on page 3, line 24, by replacing "before filing" with the following: "by certified mail within 10 days after recording".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

HOUSE BILL 617. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Poe offered the following amendments and moved their adoption.

AMENDMENT NO. 1. Amend House Bill 617 by replacing everything after the enacting clause with the following:

"Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by changing and renumbering Section 2AAA, as added by Public Act 95-765, as follows:

(815 ILCS 505/2CCC)

Sec. 2CCC ~~2AAA~~. Internet game ~~gaming~~ service provider; cancellation.

(a) As used in this Section:

"Internet game ~~gaming~~ service provider" means a person who provides a web site that includes information, software, data, text, photographs, graphics, sound, or video that may be accessed by a consumer on a paid subscription basis ~~for a fee~~ for the purpose of the consumer playing a single player or multiplayer game through the Internet or that may be downloaded for the consumer to play on his or her computer outside of the Internet. "Internet game ~~gaming~~ service provider" does not include online gambling or other gaming where a consumer can enter to win money.

(b) This Section applies only to agreements under which an Internet game ~~gaming~~ service provider provides service to consumers, for home and personal use, for a stated term that is automatically renewed for another term unless the consumer cancels the service.

(c) An Internet game ~~gaming~~ service provider must give a consumer who is an Illinois resident a disclosure of the methods the consumer may use to cancel the service. One of the methods of cancellation must provide for online cancellation of the service via email, chat, instant messaging, web-based forms, or any other means of communicating information over a computer network ~~the following: (1) a secure method at the Internet gaming service provider's web site that the consumer may use to cancel the service, which method shall not require the consumer to make a telephone call or send U.S. Postal Service mail to effectuate the cancellation; and (2) instructions that the consumer may follow to cancel the service at the Internet gaming service provider's web site~~.

(d) This Section does not apply to any entity that merely provides the host platform on the web site to the Internet game ~~gaming~~ service provider.

(e) A person who violates this Section commits an unlawful practice within the meaning of this Act.

(Source: P.A. 95-765, eff. 1-1-09; revised 9-25-08.)

Section 99. Effective date. This Act takes effect January 1, 2010.".

AMENDMENT NO. 2. Amend House Bill 617, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 3, lines 4 and 5, by changing "January 1, 2010" to "upon becoming law".

The foregoing motions prevailed and Amendments numbered 1 and 2 were adopted.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 629. Having been read by title a second time on March 23, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Mautino offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 629 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Section 12.5 as follows:

(415 ILCS 5/12.5)

Sec. 12.5. NPDES discharge fees; sludge permit fees.

(a) Beginning July 1, 2003, the Agency shall assess and collect annual fees (i) in the amounts set forth in subsection (e) for all discharges that require an NPDES permit under subsection (f) of Section 12, from each person holding an NPDES permit authorizing those discharges (including a person who continues to

discharge under an expired permit pending renewal), and (ii) in the amounts set forth in subsection (f) of this Section for all activities that require a permit under subsection (b) of Section 12, from each person holding a domestic sewage sludge generator or user permit.

Each person subject to this Section must remit the applicable annual fee to the Agency in accordance with the requirements set forth in this Section and any rules adopted pursuant to this Section.

(b) Within 30 days after the effective date of this Section, and each year thereafter, except when a fee is not due because of the operation of subsection (c), the Agency shall send a fee notice by mail to each existing permittee subject to a fee under this Section at his or her address of record. The notice shall state the amount of the applicable annual fee and the date by which payment is required.

Except as provided in subsection (c) with respect to initial fees under new permits and certain modifications of existing permits, fees payable under this Section are due by the date specified in the fee notice, which shall be no less than 30 days after the date the fee notice is mailed by the Agency.

(c) The initial annual fee for discharges under a new NPDES permit or for activity under a new sludge generator or sludge user permit must be remitted to the Agency prior to the issuance of the permit. The Agency shall provide notice of the amount of the fee to the applicant during its review of the application. In the case of a new NPDES or sludge permit issued during the months of January through June, the Agency may prorate the initial annual fee payable under this Section.

The initial annual fee for discharges or other activity under a general NPDES permit must be remitted to the Agency as part of the application for coverage under that general permit.

Beginning January 1, 2010, in ~~In~~ the case of construction site storm water ~~stormwater~~ discharges for which a coverage letter under a general ~~new~~ NPDES permit or individual NPDES permit has been ~~is~~ issued or for which the application for coverage under an NPDES permit has been filed with the Agency ~~during the months of January through June~~, no annual fee shall be due after payment of an initial annual fee in the amount provided in subsection (e)(10) of this Section. ~~for the 12 months beginning July 1 that immediately follow the period for which the initial annual fee was due.~~

If a requested modification to an existing NPDES permit causes a change in the applicable fee categories under subsection (e) that results in an increase in the required fee, the permittee must pay to the Agency the amount of the increase, prorated for the number of months remaining before the next July 1, before the modification is granted.

(d) Failure to submit the fee required under this Section by the due date constitutes a violation of this Section. Late payments shall incur an interest penalty, calculated at the rate in effect from time to time for tax delinquencies under subsection (a) of Section 1003 of the Illinois Income Tax Act, from the date the fee is due until the date the fee payment is received by the Agency.

(e) The annual fees applicable to discharges under NPDES permits are as follows:

(1) For NPDES permits for publicly owned treatment works, other facilities for which the wastewater being treated and discharged is primarily domestic sewage, and wastewater discharges from the operation of public water supply treatment facilities, the fee is:

(i) $1,500 for the 12 months beginning July 1, 2003 and $500 for each subsequent year, for facilities with a Design Average Flow rate of less than 100,000 gallons per day;

(ii) $5,000 for the 12 months beginning July 1, 2003 and $2,500 for each subsequent year, for facilities with a Design Average Flow rate of at least 100,000 gallons per day but less than 500,000 gallons per day;

(iii) $7,500 for facilities with a Design Average Flow rate of at least 500,000 gallons per day but less than 1,000,000 gallons per day;

(iv) $15,000 for facilities with a Design Average Flow rate of at least 1,000,000 gallons per day but less than 5,000,000 gallons per day;

(v) $30,000 for facilities with a Design Average Flow rate of at least 5,000,000 gallons per day but less than 10,000,000 gallons per day; and

(vi) $50,000 for facilities with a Design Average Flow rate of 10,000,000 gallons per day or more.

(2) For NPDES permits for treatment works or sewer collection systems that include combined sewer overflow outfalls, the fee is:

(i) $1,000 for systems serving a tributary population of 10,000 or less;

(ii) $5,000 for systems serving a tributary population that is greater than 10,000 but not more than 25,000; and

(iii) $20,000 for systems serving a tributary population that is greater than 25,000.

The fee amounts in this subdivision (e)(2) are in addition to the fees stated in subdivision (e)(1) when the combined sewer overflow outfall is contained within a permit subject to subsection (e)(1) fees.

(3) For NPDES permits for mines producing coal, the fee is $5,000.

(4) For NPDES permits for mines other than mines producing coal, the fee is $5,000.

(5) For NPDES permits for industrial activity where toxic substances are not regulated, other than permits covered under subdivision (e)(3) or (e)(4), the fee is:

(i) $1,000 for a facility with a Design Average Flow rate that is not more than 10,000 gallons per day;

(ii) $2,500 for a facility with a Design Average Flow rate that is more than 10,000 gallons per day but not more than 100,000 gallons per day; and

(iii) $10,000 for a facility with a Design Average Flow rate that is more than 100,000 gallons per day.

(6) For NPDES permits for industrial activity where toxic substances are regulated, other than permits covered under subdivision (e)(3) or (e)(4), the fee is:

(i) $15,000 for a facility with a Design Average Flow rate that is not more than 250,000 gallons per day; and

(ii) $20,000 for a facility with a Design Average Flow rate that is more than 250,000 gallons per day.

(7) For NPDES permits for industrial activity classified by USEPA as a major discharge, other than permits covered under subdivision (e)(3) or (e)(4), the fee is:

(i) $30,000 for a facility where toxic substances are not regulated; and

(ii) $50,000 for a facility where toxic substances are regulated.

(8) For NPDES permits for municipal separate storm sewer systems, the fee is $1,000.

(9) For NPDES permits for ~~construction site or~~ industrial storm water, the fee is $500.

(10) for NPDES permits for construction site storm water, the fee

(A) for applications received before January 1, 2010 is $500;

(B) for applications received on or after January 1, 2010 is:

(i) $250 if less than 5 acres are disturbed; and

(ii) $750 if 5 or more acres are disturbed.

(f) The annual fee for activities under a permit that authorizes applying sludge on land is $2,500 for a sludge generator permit and $5,000 for a sludge user permit.

(g) More than one of the annual fees specified in subsections (e) and (f) may be applicable to a permit holder. These fees are in addition to any other fees required under this Act.

(h) The fees imposed under this Section do not apply to the State or any department or agency of the State, nor to any school district, or to any private sewage disposal system as defined in the Private Sewage Disposal Licensing Act (225 ILCS 225/).

(i) The Agency may adopt rules to administer the fee program established in this Section. The Agency may include provisions pertaining to invoices, notice of late payment, refunds, and disputes concerning the amount or timeliness of payment. The Agency may set forth procedures and criteria for the acceptance of payments. The absence of such rules does not affect the duty of the Agency to immediately begin the assessment and collection of fees under this Section.

(j) All fees and interest penalties collected by the Agency under this Section shall be deposited into the Illinois Clean Water Fund, which is hereby created as a special fund in the State treasury. Gifts, supplemental environmental project funds, and grants may be deposited into the Fund. Investment earnings on moneys held in the Fund shall be credited to the Fund.

Subject to appropriation, the moneys in the Fund shall be used by the Agency to carry out the Agency's clean water activities.

(k) Except as provided in subsection (l) or Agency rules, fees paid to the Agency under this Section are not refundable.

(l) The Agency may refund the difference between (a) the amount paid by any person under subsection (e)(1)(i) or (e)(1)(ii) of this Section for the 12 months beginning July 1, 2004 and (b) the amount due under subsection (e)(1)(i) or (e)(1)(ii) as established by this amendatory Act of the 93rd General Assembly.
(Source: P.A. 95-516, eff. 8-28-07.)

Section 99. Effective date. This Act takes effect upon becoming law.".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

## RECALL

At the request of the principal sponsor, Representative Mautino, HOUSE BILL 641 was recalled from the order of Third Reading to the order of Second Reading.

## HOUSE BILLS ON SECOND READING

HOUSE BILL 641. Having been recalled on March 31, 2009, the same was again taken up.

Representative Mautino offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 641 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Highway Code is amended by changing Section 6-901 as follows:

(605 ILCS 5/6-901) (from Ch. 121, par. 6-901)

Sec. 6-901. Annually, the General Assembly shall appropriate to the Department of Transportation from the road fund, the general revenue fund, any other State funds or a combination of those funds, $15,000,000 for apportionment to counties for the use of road districts for the construction of bridges 20 feet or more in length, as provided in Sections 6-902 through 6-905.

The Department of Transportation shall apportion among the several counties of this State for the use of road districts the amounts appropriated under this Section. The amount apportioned to a county shall be in the proportion which the total mileage of township or district roads in the county bears to the total mileage of all township and district roads in the State. Each county shall allocate to the several road districts in the county the funds so apportioned to the county. The allocation to road districts shall be made in the same manner and be subject to the same conditions and qualifications as are provided by Section 8 of the "Motor Fuel Tax Law", approved March 25, 1929, as amended, with respect to the allocation to road districts of the amount allotted from the Motor Fuel Tax Fund for apportionment to counties for the use of road districts, but no allocation shall be made to any road district that has not levied taxes for road and bridge purposes and for bridge construction purposes at the maximum rates permitted by Sections 6-501, 6-508 and 6-512 of this Act, without referendum. "Road district" and "township or district road" have the meanings ascribed to those terms in this Act.

Road districts in counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law that are made ineligible for receipt of this appropriation due to the imposition of a property tax extension limitation may become eligible if, at the time the property tax extension limitation was imposed, the road district was levying at the required rate and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation. The road district also becomes eligible if it levies at or above the rate required for eligibility by Section 8 of the Motor Fuel Tax Law.

The amounts apportioned under this Section for allocation to road districts may be used only for bridge construction as provided in this Division. So much of those amounts as are not obligated under Sections 6-902 through 6-904 and for which local funds have not been committed under Section 6-905 within 48 ~~24~~ months of the date when such apportionment is made lapses and shall not be paid to the county treasurer for distribution to road districts.

(Source: P.A. 90-110, eff. 7-14-97.)".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

HOUSE BILL 796. Having been recalled on March 19, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Dugan offered the following amendment and moved its adoption.

AMENDMENT NO. 2 . Amend House Bill 796, AS AMENDED, by replacing the introductory paragraph of Section 10 with the following:

"Section 10. The Energy Assistance Act is amended by changing Sections 3, 4, 6, 8, and 13 as follows:"; and

in Section 10, by inserting after the last line of Sec. 4 the following:

"(305 ILCS 20/6) (from Ch. 111 2/3, par. 1406)

Sec. 6. Eligibility, Conditions of Participation, and Energy Assistance.

(a) Any person who is a resident of the State of Illinois and whose household income is not greater than an amount determined annually by the Department, in consultation with the Policy Advisory Council, may apply for assistance pursuant to this Act in accordance with regulations promulgated by the Department. In setting the annual eligibility level, the Department shall consider the amount of available funding and may not set a limit higher than 150% of the federal nonfarm poverty level as established by the federal Office of Management and Budget; except that for the period ending June 30, 2012, or until the expenditure of federal resources allocated for energy assistance programs by the American Recovery and Reinvestment Act, whichever occurs first, the Department may not establish limits higher than 200% of that poverty level.

(b) Applicants who qualify for assistance pursuant to subsection (a) of this Section shall, subject to appropriation from the General Assembly and subject to availability of funds to the Department, receive energy assistance as provided by this Act. The Department, upon receipt of monies authorized pursuant to this Act for energy assistance, shall commit funds for each qualified applicant in an amount determined by the Department. In determining the amounts of assistance to be provided to or on behalf of a qualified applicant, the Department shall ensure that the highest amounts of assistance go to households with the greatest energy costs in relation to household income. The Department shall include factors such as energy costs, household size, household income, and region of the State when determining individual household benefits. In setting assistance levels, the Department shall attempt to provide assistance to approximately the same number of households who participated in the 1991 Residential Energy Assistance Partnership Program. Such assistance levels shall be adjusted annually on the basis of funding availability and energy costs. In promulgating rules for the administration of this Section the Department shall assure that a minimum of 1/3 of funds available for benefits to eligible households with the lowest incomes and that elderly and disabled households are offered a priority application period.

(c) If the applicant is not a customer of an energy provider for winter energy services or an applicant for such service, such applicant shall receive a direct energy assistance payment in an amount established by the Department for all such applicants under this Act; provided, however, that such an applicant must have rental expenses for housing greater than 30% of household income.

(d) If the applicant is a customer of an energy provider, such applicant shall receive energy assistance in an amount established by the Department for all such applicants under this Act, such amount to be paid by the Department to the energy provider supplying winter energy service to such applicant. Such applicant shall:

(i) make all reasonable efforts to apply to any other appropriate source of public energy assistance; and

(ii) sign a waiver permitting the Department to receive income information from any public or private agency providing income or energy assistance and from any employer, whether public or private.

(e) Any qualified applicant pursuant to this Section may receive or have paid on such applicant's behalf an emergency assistance payment to enable such applicant to obtain access to winter energy services. Any such payments shall be made in accordance with regulations of the Department.

(f) The Department may, if sufficient funds are available, provide additional benefits to certain qualified applicants:

(i) for the reduction of past due amounts owed to energy providers; and

(ii) to assist the household in responding to excessively high summer temperatures or energy costs. Households containing elderly members, children, a person with a disability, or a person with a medical need for conditioned air shall receive priority for receipt of such benefits.

(Source: P.A. 91-936, eff. 1-10-01; 92-690, eff. 7-18-02.)".

The foregoing motion prevailed and Amendment No. 2 was adopted.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

HOUSE BILL 942. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Eddy offered the following amendment and moved its adoption.

AMENDMENT NO. 1 . Amend House Bill 942, on page 1, line 8, by replacing "2009" with "2010" and by replacing "2013" with "2014".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 998. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

Floor Amendment No. 1 remained in the Committee on Rules.

Representative Poe offered the following amendment and moved its adoption.

AMENDMENT NO. 2 . Amend House Bill 998 by replacing everything after the enacting clause with the following:

Section 5. The Fish and Aquatic Life Code is amended by changing Section 20-45 as follows:

(515 ILCS 5/20-45) (from Ch. 56, par. 20-45)

Sec. 20-45. License fees for residents. Fees for licenses for residents of the State of Illinois shall be as follows:

(a) Except as otherwise provided in this Section, for sport fishing devices as defined in Section 10-95 or spearing devices as defined in Section 10-110 the fee is $12.50 for individuals 16 to 64 years old, and one-half of the current fishing license fee for individuals age 65 or older, and, commencing with the 2010 license year, one-half of the current fishing license fee for resident veterans of the United States Armed Forces after returning from service abroad or mobilization by the President of the United States ~~, commencing with the 1994 license year~~. Veterans must provide, to the Department at the Department's office in Springfield, verification of their service. The Department shall establish what constitutes suitable verification of service for the purpose of issuing fishing licenses to resident veterans at a reduced fee.

(b) All residents before using any commercial fishing device shall obtain a commercial fishing license, the fee for which shall be $35. Each and every commercial device used shall be licensed by a resident commercial fisherman as follows:

(1) For each 100 lineal yards, or fraction thereof, of seine the fee is $18. For each minnow seine, minnow trap, or net for commercial purposes the fee is $20.

(2) For each device to fish with a 100 hook trot line device, basket trap, hoop net, or dip net the fee is $3.

(3) When used in the waters of Lake Michigan, for the first 2000 lineal feet, or fraction thereof, of gill net the fee is $10; and for each 1000 additional lineal feet, or fraction thereof, the fee is $10. These fees shall apply to all gill nets in use in the water or on drying reels on the shore.

(4) For each 100 lineal yards, or fraction thereof, of gill net or trammel net the fee is $18.

(c) Residents of the State of Illinois may obtain a sportsmen's combination license that shall entitle the holder to the same non-commercial fishing privileges as residents holding a license as described in subsection (a) of this Section and to the same hunting privileges as residents holding a

license to hunt all species as described in Section 3.1 of the Wildlife Code. No sportsmen's combination license shall be issued to any individual who would be ineligible for either the fishing or hunting license separately. The sportsmen's combination license fee shall be $18.50. For residents age 65 or older, the fee is one-half of the fee charged for a sportsmen's combination license. For resident veterans of the United States Armed Forces after returning from service abroad or mobilization by the President of the United States, the fee, commencing with the 2010 license year, is one-half of the fee charged for a sportsmen's combination license. Veterans must provide, to the Department at the Department's office in Springfield, verification of their service. The Department shall establish what constitutes suitable verification of service for the purpose of issuing sportsmen's combination licenses to resident veterans at a reduced fee.

(d) For 24 hours of fishing by sport fishing devices as defined in Section 10-95 or by spearing devices as defined in Section 10-110 the fee is $5. This license exempts the licensee from the requirement for a salmon or inland trout stamp. The licenses provided for by this subsection are not required for residents of the State of Illinois who have obtained the license provided for in subsection (a) of this Section.

(e) All residents before using any commercial mussel device shall obtain a commercial mussel license, the fee for which shall be $50.

(f) Residents of this State, upon establishing residency as required by the Department, may obtain a lifetime hunting or fishing license or lifetime sportsmen's combination license which shall entitle the holder to the same non-commercial fishing privileges as residents holding a license as described in paragraph (a) of this Section and to the same hunting privileges as residents holding a license to hunt all species as described in Section 3.1 of the Wildlife Code. No lifetime sportsmen's combination license shall be issued to or retained by any individual who would be ineligible for either the fishing or hunting license separately, either upon issuance, or in any year a violation would subject an individual to have either or both fishing or hunting privileges rescinded. The lifetime hunting and fishing license fees shall be as follows:

(1) Lifetime fishing: 30 x the current fishing license fee.

(2) Lifetime hunting: 30 x the current hunting license fee.

(3) Lifetime sportsmen's combination license: 30 x the current sportsmen's combination license fee.

Lifetime licenses shall not be refundable. A $10 fee shall be charged for reissuing any lifetime license. The Department may establish rules and regulations for the issuance and use of lifetime licenses and may suspend or revoke any lifetime license issued under this Section for violations of those rules or regulations or other provisions under this Code or the Wildlife Code. Individuals under 16 years of age who possess a lifetime hunting or sportsmen's combination license shall have in their possession, while in the field, a certificate of competency as required under Section 3.2 of the Wildlife Code. Any lifetime license issued under this Section shall not exempt individuals from obtaining additional stamps or permits required under the provisions of this Code or the Wildlife Code. Individuals required to purchase additional stamps shall sign the stamps and have them in their possession while fishing or hunting with a lifetime license. All fees received from the issuance of lifetime licenses shall be deposited in the Fish and Wildlife Endowment Fund.

Except for licenses issued under subsection (e) of this Section, all licenses provided for in this Section shall expire on March 31 of each year, except that the license provided for in subsection (d) of this Section shall expire 24 hours after the effective date and time listed on the face of the license.

All individuals required to have and failing to have the license provided for in subsection (a) or (d) of this Section shall be fined according to the provisions of Section 20-35 of this Code.

All individuals required to have and failing to have the licenses provided for in subsections (b) and (e) of this Section shall be guilty of a Class B misdemeanor.

(Source: P.A. 89-66, eff. 1-1-96; 90-225, eff. 7-25-97; 90-743, eff. 1-1-99.)

Section 10. The Wildlife Code is amended by changing Section 3.2 as follows:

(520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

Sec. 3.2. Hunting license; application; instruction. Before the Department or any county, city, village, township, incorporated town clerk or his duly designated agent or any other person authorized or designated by the Department to issue hunting licenses shall issue a hunting license to any person, the person shall file his application with the Department or other party authorized to issue licenses on a form provided by the Department and further give definite proof of identity and place of legal residence. Each clerk designating agents to issue licenses and stamps shall furnish the Department, within 10 days

following the appointment, the names and mailing addresses of the agents. Each clerk or his duly designated agent shall be authorized to sell licenses and stamps only within the territorial area for which he was elected or appointed. No duly designated agent is authorized to furnish licenses or stamps for issuance by any other business establishment. Each application shall be executed and sworn to and shall set forth the name and description of the applicant and place of residence.

No hunting license shall be issued to any person born on or after January 1, 1980 unless he presents the person authorized to issue the license evidence that he has held a hunting license issued by the State of Illinois or another state in a prior year, or a certificate of competency as provided in this Section. Persons under 16 years of age may be issued a Lifetime Hunting or Sportsmen's Combination License as provided under Section 20-45 of the Fish and Aquatic Life Code but shall not be entitled to hunt unless they have a certificate of competency as provided in this Section and they shall have the certificate in their possession while hunting.

The Department of Natural Resources shall authorize personnel of the Department or certified volunteer instructors to conduct courses, of not less than 10 hours in length, in firearms and hunter safety, which may include training in bow and arrow safety, at regularly specified intervals throughout the State. Persons successfully completing the course shall receive a certificate of competency. The Department of Natural Resources may further cooperate with any reputable association or organization in establishing courses if the organization has as one of its objectives the promotion of safety in the handling of firearms or bow and arrow.

The Department of Natural Resources shall designate any person found by it to be competent to give instruction in the handling of firearms, hunter safety, and bow and arrow. The persons so appointed shall give the course of instruction and upon the successful completion shall issue to the person instructed a certificate of competency in the safe handling of firearms, hunter safety, and bow and arrow. No charge shall be made for any course of instruction except for materials or ammunition consumed. The Department of Natural Resources shall furnish information on the requirements of hunter safety education programs to be distributed free of charge to applicants for hunting licenses by the persons appointed and authorized to issue licenses. Funds for the conducting of firearms and hunter safety courses shall be taken from the fee charged for the Firearm Owners Identification Card.

The fee for a hunting license to hunt all species for a resident of Illinois is $7. For residents age 65 or older and, commencing with the 2010 license year, for resident veterans of the United States Armed Forces after returning from service abroad or mobilization by the President of the United States, the fee is one-half of the fee charged for a hunting license to hunt all species for a resident of Illinois. Veterans must provide, to the Department at the Department's office in Springfield, verification of their service. The Department shall establish what constitutes suitable verification of service for the purpose of issuing resident veterans hunting licenses at a reduced fee. Nonresidents shall be charged $50 for a hunting license.

Nonresidents may be issued a nonresident hunting license for a period not to exceed 10 consecutive days' hunting in the State and shall be charged a fee of $28.

A special nonresident hunting license authorizing a nonresident to take game birds by hunting on a game breeding and hunting preserve area only, established under Section 3.27, shall be issued upon proper application being made and payment of a fee equal to that for a resident hunting license. The expiration date of this license shall be on the same date each year that game breeding and hunting preserve area licenses expire.

Each applicant for a State Migratory Waterfowl Stamp, regardless of his residence or other condition, shall pay a fee of $10 and shall receive a stamp. Except as provided under Section 20-45 of the Fish and Aquatic Life Code, the stamp shall be signed by the person or affixed to his license or permit in a space designated by the Department for that purpose.

Each applicant for a State Habitat Stamp, regardless of his residence or other condition, shall pay a fee of $5 and shall receive a stamp. Except as provided under Section 20-45 of the Fish and Aquatic Life Code, the stamp shall be signed by the person or affixed to his license or permit in a space designated by the Department for that purpose.

Nothing in this Section shall be construed as to require the purchase of more than one State Habitat Stamp by any person in any one license year.

The Department shall furnish the holders of hunting licenses and stamps with an insignia as evidence of possession of license, or license and stamp, as the Department may consider advisable. The insignia shall be exhibited and used as the Department may order.

All other hunting licenses and all State stamps shall expire upon March 31 of each year.

Every person holding any license, permit, or stamp issued under the provisions of this Act shall have it in

his possession for immediate presentation for inspection to the officers and authorized employees of the Department, any sheriff, deputy sheriff, or any other peace officer making a demand for it. This provision shall not apply to Department owned or managed sites where it is required that all hunters deposit their license, permit, or Firearm Owner's Identification Card at the check station upon entering the hunting areas. (Source: P.A. 93-554, eff. 8-20-03.)

Section 99. Effective date. This Act takes effect April 1, 2010.".

The foregoing motion prevailed and Amendment No. 2 was adopted.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 1087. Having been read by title a second time on March 23, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Reitz offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 1087 as follows:

on page 4, line 4, by inserting after the period "Timber growers with Department approved forest management plans covering less than 10 acres in effect on or before the effective date of this amendatory Act of the 96th General Assembly shall continue to be eligible under the Illinois Forestry Development Act provisions."; and

on page 4, line 21, by replacing "annually" with "~~annually~~"; and

on page 10, line 24, by replacing "forest ~~forestry~~" with "forestry"; and

on page 11, line 11, by replacing "forest ~~forestry~~" with "forestry".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 1088. Having been read by title a second time on March 23, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Reitz offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 1088 as follows:

on page 1, line 5, by replacing "Section 27" with "Sections 27 and 28"; and

on page 2, immediately below line 8, by inserting the following:

"(420 ILCS 44/28 new)

Sec. 28. Task Force on Radon-Resistant Building Codes.

(a) The Radon-Resistant Building Codes Task Force is created. The Task Force consists of the following members:

(1) the Director, ex officio, or his or her representative, who is the chair of the Task Force;

(2) a representative, designated by the Director, of a home builders' association in Illinois;

(3) a representative, designated by the Director, of a home inspectors' association in Illinois;

(4) a representative, designated by the Director, of an international building code organization;

(5) a representative, designated by the Director, of an Illinois realtors' organization;

(6) two representatives, designated by the Director, of respiratory disease organizations, each from a different organization;

(7) a representative, designated by the Director, of a cancer research and prevention organization;

(8) a representative, designated by the Director, of a municipal organization in Illinois;

(9) one person appointed by the Speaker of the House of Representatives;

(10) one person appointed by the Minority Leader of the House of Representatives;

(11) one person appointed by the President of the Senate; and

(12) one person appointed by the Minority Leader of the Senate.

(b) The Task Force shall meet at the call of the chair. Members shall serve without compensation, but

may be reimbursed for their reasonable expenses from moneys appropriated for that purpose. The Agency shall provide staff and support for the operation of the Task Force.

(c) The Task Force shall make recommendations to the Governor, the Agency, the Environmental Protection Agency, and the Pollution Control Board concerning the adoption of rules for building codes.".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 1142. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Tryon offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 1142 on page 1, by replacing lines 13 through 21 with the following:

""Manufactured home" means a manufactured home as defined in 77 Ill. Adm. Code 880.10. The term "manufactured home" shall not include a modular dwelling, which is defined as a building assembly, or system of building sub-assemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilating, and other service systems that is of closed or open construction and is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site with a permanent foundation.".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 1292. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Health Care Licenses, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 1292 by deleting lines 23 and 24 on page 8, all of pages 9 and 10, and lines 1 through 24 on page 11.

Representative Coulson offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 1292 on page 1, line 21, by replacing "18" with "19"; and on page 2, line 9, after "nurse;", by inserting "one a physical therapist;".

The foregoing motion prevailed and Amendment No. 2 was adopted.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 2247. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Saviano offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 2247 by replacing everything after the enacting clause with the following:

"Section 5. The Pharmacy Practice Act is amended by changing Section 4 as follows:

(225 ILCS 85/4) (from Ch. 111, par. 4124)

(Section scheduled to be repealed on January 1, 2018)

Sec. 4. Exemptions. Nothing contained in any Section of this Act shall apply to, or in any manner interfere with:

(a) the lawful practice of any physician licensed to practice medicine in all of its branches, dentist, podiatrist, veterinarian, or therapeutically or diagnostically certified optometrist within the limits of his or her license, or prevent him or her from supplying to his or her bona fide patients such drugs, medicines, or poisons as may seem to him appropriate;

(b) the sale of compressed gases;

(c) the sale of patent or proprietary medicines and household remedies when sold in original and unbroken packages only, if such patent or proprietary medicines and household remedies be properly and adequately labeled as to content and usage and generally considered and accepted as harmless and nonpoisonous when used according to the directions on the label, and also do not contain opium or coca leaves, or any compound, salt or derivative thereof, or any drug which, according to the latest editions of the following authoritative pharmaceutical treatises and standards, namely, The United States Pharmacopoeia/National Formulary (USP/NF), the United States Dispensatory, and the Accepted Dental Remedies of the Council of Dental Therapeutics of the American Dental Association or any or either of them, in use on the effective date of this Act, or according to the existing provisions of the Federal Food, Drug, and Cosmetic Act and Regulations of the Department of Health and Human Services, Food and Drug Administration, promulgated thereunder now in effect, is designated, described or considered as a narcotic, hypnotic, habit forming, dangerous, or poisonous drug;

(d) the sale of poultry and livestock remedies in original and unbroken packages only, labeled for poultry and livestock medication;

(e) the sale of poisonous substances or mixture of poisonous substances, in unbroken packages, for nonmedicinal use in the arts or industries or for insecticide purposes; provided, they are properly and adequately labeled as to content and such nonmedicinal usage, in conformity with the provisions of all applicable federal, state and local laws and regulations promulgated thereunder now in effect relating thereto and governing the same, and those which are required under such applicable laws and regulations to be labeled with the word "Poison", are also labeled with the word "Poison" printed thereon in prominent type and the name of a readily obtainable antidote with directions for its administration;

(f) the delegation of limited prescriptive authority by a physician licensed to practice medicine in all its branches to a physician assistant under Section 7.5 of the Physician Assistant Practice Act of 1987. This delegated authority under Section 7.5 of the Physician Assistant Practice Act of 1987 may, but is not required to, include prescription of controlled substances, as defined in Article II of the Illinois Controlled Substances Act, in accordance with a written supervision agreement ~~guidelines~~; and

(g) The delegation of prescriptive authority by a physician licensed to practice medicine in all its branches or a licensed podiatrist to an advanced practice nurse in accordance with a written collaborative agreement under Sections ~~Section~~ 65-35 and 65-40 of the Nurse Practice Act. ~~This authority, which is delegated under Section 65-40 of the Nurse Practice Act, may but is not required to include the prescription of Schedule III, IV, or V controlled substances as defined in Article II of the Illinois Controlled Substances Act.~~

(Source: P.A. 95-639, eff. 10-5-07.)

Section 10. The Physician Assistant Practice Act is amended by changing Sections 4, 7.5, and 21 as follows:

(225 ILCS 95/4) (from Ch. 111, par. 4604)

(Section scheduled to be repealed on January 1, 2018)

Sec. 4. In this Act:

1. "Department" means the Department of Financial and Professional Regulation.

2. "Secretary" means the Secretary of Financial and Professional Regulation.

3. "Physician assistant" means any person not a physician who has been certified as a physician assistant by the National Commission on the Certification of Physician Assistants or equivalent successor agency and performs procedures under the supervision of a physician as defined in this Act. A physician assistant may perform such procedures within the specialty of the supervising physician, except that such physician shall exercise such direction, supervision and control over such physician assistants as will assure that patients shall receive quality medical care. Physician assistants shall be capable of performing a variety of tasks within the specialty of medical care under the supervision of a physician. Supervision of the physician assistant shall not be construed to necessarily require the personal presence of the supervising physician at

all times at the place where services are rendered, as long as there is communication available for consultation by radio, telephone or telecommunications within established guidelines as determined by the physician/physician assistant team. The supervising physician may delegate tasks and duties to the physician assistant. Delegated tasks or duties shall be consistent with physician assistant education, training, and experience. The delegated tasks or duties shall be specific to the practice setting and shall be implemented and reviewed under a written supervision agreement ~~guidelines~~ established by the physician or physician/physician assistant team. A physician assistant, acting as an agent of the physician, shall be permitted to transmit the supervising physician's orders as determined by the institution's by-laws, policies, procedures, or job description within which the physician/physician assistant team practices. Physician assistants shall practice only in accordance with a written supervision agreement ~~within the established guidelines~~.

4. "Board" means the Medical Licensing Board constituted under the Medical Practice Act of 1987.

5. "Disciplinary Board" means the Medical Disciplinary Board constituted under the Medical Practice Act of 1987.

6. "Physician" means, for purposes of this Act, a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987.

7. "Supervising Physician" means, for the purposes of this Act, the primary supervising physician of a physician assistant, who, within his specialty and expertise may delegate a variety of tasks and procedures to the physician assistant. Such tasks and procedures shall be delegated in accordance with a written supervision agreement ~~within established guidelines~~. The supervising physician maintains the final responsibility for the care of the patient and the performance of the physician assistant.

8. "Alternate supervising physician" means, for the purpose of this Act, any physician designated by the supervising physician to provide supervision in the event that he or she is unable to provide that supervision. The Department may further define "alternate supervising physician" by rule.

The alternate supervising physicians shall maintain all the same responsibilities as the supervising physician. Nothing in this Act shall be construed as relieving any physician of the professional or legal responsibility for the care and treatment of persons attended by him or by physician assistants under his supervision. Nothing in this Act shall be construed as to limit the reasonable number of alternate supervising physicians, provided they are designated by the supervising physician.

9. "Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address, and such changes must be made either through the Department's website or by contacting the Department's licensure maintenance unit.

(Source: P.A. 95-703, eff. 12-31-07.)

(225 ILCS 95/7.5)

(Section scheduled to be repealed on January 1, 2018)

Sec. 7.5. Prescriptions; written supervision agreements; prescriptive authority.

(a) A written supervision agreement is required for all physician assistants to practice in the State.

(1) A written supervision agreement shall describe the working relationship of the physician assistant with the supervising physician and shall authorize the categories of care, treatment, or procedures to be performed by the physician assistant. The written supervision agreement shall be defined to promote the exercise of professional judgment by the physician assistant commensurate with his or her education and experience. The services to be provided by the physician assistant shall be services that the supervising physician is authorized to and generally provides to his or her patients in the normal course of his or her clinical medical practice. The written supervision agreement need not describe the exact steps that a physician assistant must take with respect to each specific condition, disease, or symptom but must specify which authorized procedures require the presence of the supervising physician as the procedures are being performed. The supervision relationship under a written supervision agreement shall not be construed to require the personal presence of a physician at all times at the place where services are rendered. Methods of communication shall be available for consultation with the supervising physician in person or by telecommunications in accordance with established written guidelines as set forth in the written supervision agreement.

(2) The written supervision agreement shall be adequate if a physician does each of the following:

(A) Participates in the joint formulation and joint approval of orders or guidelines with the physician assistant and he or she periodically reviews such orders and the services provided patients under such orders in accordance with accepted standards of medical practice and physician assistant practice.

(B) Meets in person with the physician assistant at least once a month to provide supervision.

(3) A copy of the signed, written supervision agreement must be available to the Department upon request from both the physician assistant and the supervising physician.

(4) A physician assistant shall inform each supervising physician of all written supervision agreements he or she has signed and provide a copy of these to any supervising physician upon request.

(b) A supervising physician may, but is not required to, delegate prescriptive authority to a physician assistant as part of a written supervision agreement. This authority may, but is not required to, include prescription of, selection of, orders for, administration of, storage of, acceptance of samples of, and dispensing over the counter medications, legend drugs, medical gases, and controlled substances categorized as Schedule III through V controlled substances, as defined in Article II of the Illinois Controlled Substances Act, and other preparations, including, but not limited to, botanical and herbal remedies. The supervising physician must have a valid, current Illinois controlled substance license and federal registration with the Drug Enforcement Agency to delegate the authority to prescribe controlled substances. ~~A supervising physician may delegate limited prescriptive authority to a physician assistant. This authority may, but is not required to, include prescription and dispensing of legend drugs and legend controlled substances categorized as Schedule III, IV, or V controlled substances, as defined in Article II of the Illinois Controlled Substances Act, as delegated in the written guidelines required by this Act.~~

(1) To prescribe Schedule III, IV, or V controlled substances under this Section, a physician assistant must obtain a mid-level practitioner controlled substances license. Medication orders issued by a physician assistant shall be reviewed periodically by the supervising physician.

(2) The supervising physician shall file with the Department notice of delegation of prescriptive authority to a physician assistant and termination of delegation, specifying the authority delegated or terminated. Upon receipt of this notice delegating authority to prescribe Schedule III, IV, or V controlled substances, the physician assistant shall be eligible to register for a mid-level practitioner controlled substances license under Section 303.05 of the Illinois Controlled Substances Act. Nothing in this Act shall be construed to limit the delegation of tasks or duties by the supervising physician to a nurse or other appropriately trained personnel.

(3) In addition to the requirements of subsection (b) of this Section, a supervising physician may, but is not required to, delegate authority to a physician assistant to prescribe Schedule II controlled substances, if all of the following conditions apply:

(A) No more than 5 Schedule II controlled substances by oral dosage may be delegated.

(B) Any delegation must be controlled substances that the supervising physician prescribes.

(C) Any prescription must be limited to no more than a 30-day oral dosage, with any continuation authorized only after prior approval of the supervising physician.

(c) Nothing in this Act shall be construed to limit the delegation of tasks or duties by a physician to a licensed practical nurse, a registered professional nurse, or other persons. ~~The Department shall establish by rule the minimum requirements for written guidelines to be followed under this Section.~~

(Source: P.A. 90-116, eff. 7-14-97; 90-818, eff. 3-23-99.)

(225 ILCS 95/21) (from Ch. 111, par. 4621)

(Section scheduled to be repealed on January 1, 2018)

Sec. 21. Grounds for disciplinary action.

(a) The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, censure or reprimand, or take other disciplinary or non-disciplinary action with regard to any license issued under this Act as the Department may deem proper, including the issuance of fines not to exceed $10,000 for each violation, for any one or combination of the following causes:

(1) Material misstatement in furnishing information to the Department.

(2) Violations of this Act, or the rules adopted under this Act.

(3) Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony under the laws of the United States or any state or territory thereof or that is a misdemeanor of which an essential element is dishonesty or that is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining licenses.

(5) Professional incompetence.

(6) Aiding or assisting another person in violating any provision of this Act or its rules.

(7) Failing, within 60 days, to provide information in response to a written request made by the Department.

(8) Engaging in dishonorable, unethical, or unprofessional conduct, as defined by rule,

of a character likely to deceive, defraud, or harm the public.

(9) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in a physician assistant's inability to practice with reasonable judgment, skill, or safety.

(10) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Section.

(11) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate or other form of compensation for any professional services not actually or personally rendered.

(12) A finding by the Disciplinary Board that the licensee, after having his or her license placed on probationary status has violated the terms of probation.

(13) Abandonment of a patient.

(14) Willfully making or filing false records or reports in his or her practice, including but not limited to false records filed with state agencies or departments.

(15) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(16) Physical illness, or mental illness or impairment that results in the inability to practice the profession with reasonable judgment, skill, or safety, including, but not limited to, deterioration through the aging process or loss of motor skill.

(17) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(18) (Blank).

(19) Gross negligence resulting in permanent injury or death of a patient.

(20) Employment of fraud, deception or any unlawful means in applying for or securing a license as a physician assistant.

(21) Exceeding the authority delegated to him or her by his or her supervising physician in a written supervision agreement ~~guidelines established by the physician/physician assistant team~~.

(22) Immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct or sexual exploitation related to the licensee's practice.

(23) Violation of the Health Care Worker Self-Referral Act.

(24) Practicing under a false or assumed name, except as provided by law.

(25) Making a false or misleading statement regarding his or her skill or the efficacy or value of the medicine, treatment, or remedy prescribed by him or her in the course of treatment.

(26) Allowing another person to use his or her license to practice.

(27) Prescribing, selling, administering, distributing, giving, or self-administering a drug classified as a controlled substance (designated product) or narcotic for other than medically-accepted therapeutic purposes.

(28) Promotion of the sale of drugs, devices, appliances, or goods provided for a patient in a manner to exploit the patient for financial gain.

(29) A pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act.

(30) Violating State or federal laws or regulations relating to controlled substances or other legend drugs.

(31) Exceeding the ~~limited~~ prescriptive authority delegated by the supervising physician or violating the written supervision agreement ~~guidelines~~ delegating that authority.

(32) Practicing without providing to the Department a notice of supervision or delegation of prescriptive authority.

(b) The Department may, without a hearing, refuse to issue or renew or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to

involuntary admission or judicial admission and issues an order so finding and discharging the patient, and upon the recommendation of the Disciplinary Board to the Secretary that the licensee be allowed to resume his or her practice.

(d) In enforcing this Section, the Department upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department finds an individual unable to practice because of the reasons set forth in this Section, the Department may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Secretary immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 30 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 95-703, eff. 12-31-07.)

Section 15. The Illinois Controlled Substances Act is amended by changing Sections 102 and 303.05 as follows:

(720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

Sec. 102. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Addict" means any person who habitually uses any drug, chemical, substance or dangerous drug other than alcohol so as to endanger the public morals, health, safety or welfare or who is so far addicted to the use of a dangerous drug or controlled substance other than alcohol as to have lost the power of self control with reference to his addiction.

(b) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient, research subject, or animal (as defined by the Humane Euthanasia in Animal Shelters Act) by:

(1) a practitioner (or, in his presence, by his authorized agent),

(2) the patient or research subject at the lawful direction of the practitioner, or

(3) a euthanasia technician as defined by the Humane Euthanasia in Animal Shelters Act.

(c) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c-1) "Anabolic Steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

(i) boldenone,

(ii) chlorotestosterone,

(iii) chostebol,

(iv) dehydrochlormethyltestosterone,

(v) dihydrotestosterone,
(vi) drostanolone,
(vii) ethylestrenol,
(viii) fluoxymesterone,
(ix) formebulone,
(x) mesterolone,
(xi) methandienone,
(xii) methandranone,
(xiii) methandriol,
(xiv) methandrostenolone,
(xv) methenolone,
(xvi) methyltestosterone,
(xvii) mibolerone,
(xviii) nandrolone,
(xix) norethandrolone,
(xx) oxandrolone,
(xxi) oxymesterone,
(xxii) oxymetholone,
(xxiii) stanolone,
(xxiv) stanozolol,
(xxv) testolactone,
(xxvi) testosterone,
(xxvii) trenbolone, and
(xxviii) any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth.

Any person who is otherwise lawfully in possession of an anabolic steroid, or who otherwise lawfully manufactures, distributes, dispenses, delivers, or possesses with intent to deliver an anabolic steroid, which anabolic steroid is expressly intended for and lawfully allowed to be administered through implants to livestock or other nonhuman species, and which is approved by the Secretary of Health and Human Services for such administration, and which the person intends to administer or have administered through such implants, shall not be considered to be in unauthorized possession or to unlawfully manufacture, distribute, dispense, deliver, or possess with intent to deliver such anabolic steroid for purposes of this Act.

(d) "Administration" means the Drug Enforcement Administration, United States Department of Justice, or its successor agency.

(e) "Control" means to add a drug or other substance, or immediate precursor, to a Schedule under Article II of this Act whether by transfer from another Schedule or otherwise.

(f) "Controlled Substance" means a drug, substance, or immediate precursor in the Schedules of Article II of this Act.

(g) "Counterfeit substance" means a controlled substance, which, or the container or labeling of which, without authorization bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(h) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of a controlled substance, with or without consideration, whether or not there is an agency relationship.

(i) "Department" means the Illinois Department of Human Services (as successor to the Department of Alcoholism and Substance Abuse) or its successor agency.

(j) "Department of State Police" means the Department of State Police of the State of Illinois or its successor agency.

(k) "Department of Corrections" means the Department of Corrections of the State of Illinois or its successor agency.

(l) "Department of Professional Regulation" means the Department of Professional Regulation of the State of Illinois or its successor agency.

(m) "Depressant" or "stimulant substance" means:

(1) a drug which contains any quantity of (i) barbituric acid or any of the salts of barbituric acid which has been designated as habit forming under section 502 (d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352 (d)); or

(2) a drug which contains any quantity of (i) amphetamine or methamphetamine and any of

their optical isomers; (ii) any salt of amphetamine or methamphetamine or any salt of an optical isomer of amphetamine; or (iii) any substance which the Department, after investigation, has found to be, and by rule designated as, habit forming because of its depressant or stimulant effect on the central nervous system; or

(3) lysergic acid diethylamide; or

(4) any drug which contains any quantity of a substance which the Department, after investigation, has found to have, and by rule designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

(n) (Blank).

(o) "Director" means the Director of the Department of State Police or the Department of Professional Regulation or his designated agents.

(p) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a prescriber, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(q) "Dispenser" means a practitioner who dispenses.

(r) "Distribute" means to deliver, other than by administering or dispensing, a controlled substance.

(s) "Distributor" means a person who distributes.

(t) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) substances intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure of any function of the body of man or animals and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(t-5) "Euthanasia agency" means an entity certified by the Department of Professional Regulation for the purpose of animal euthanasia that holds an animal control facility license or animal shelter license under the Animal Welfare Act. A euthanasia agency is authorized to purchase, store, possess, and utilize Schedule II nonnarcotic and Schedule III nonnarcotic drugs for the sole purpose of animal euthanasia.

(t-10) "Euthanasia drugs" means Schedule II or Schedule III substances (nonnarcotic controlled substances) that are used by a euthanasia agency for the purpose of animal euthanasia.

(u) "Good faith" means the prescribing or dispensing of a controlled substance by a practitioner in the regular course of professional treatment to or for any person who is under his treatment for a pathology or condition other than that individual's physical or psychological dependence upon or addiction to a controlled substance, except as provided herein: and application of the term to a pharmacist shall mean the dispensing of a controlled substance pursuant to the prescriber's order which in the professional judgment of the pharmacist is lawful. The pharmacist shall be guided by accepted professional standards including, but not limited to the following, in making the judgment:

(1) lack of consistency of doctor-patient relationship,

(2) frequency of prescriptions for same drug by one prescriber for large numbers of patients,

(3) quantities beyond those normally prescribed,

(4) unusual dosages,

(5) unusual geographic distances between patient, pharmacist and prescriber,

(6) consistent prescribing of habit-forming drugs.

(u-1) "Home infusion services" means services provided by a pharmacy in compounding solutions for direct administration to a patient in a private residence, long-term care facility, or hospice setting by means of parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion.

(v) "Immediate precursor" means a substance:

(1) which the Department has found to be and by rule designated as being a principal compound used, or produced primarily for use, in the manufacture of a controlled substance;

(2) which is an immediate chemical intermediary used or likely to be used in the manufacture of such controlled substance; and

(3) the control of which is necessary to prevent, curtail or limit the manufacture of such controlled substance.

(w) "Instructional activities" means the acts of teaching, educating or instructing by practitioners using controlled substances within educational facilities approved by the State Board of Education or its successor agency.

(x) "Local authorities" means a duly organized State, County or Municipal peace unit or police force.

(y) "Look-alike substance" means a substance, other than a controlled substance which (1) by overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency, or any other identifying physical characteristic of the substance, would lead a reasonable person to believe that the substance is a controlled substance, or (2) is expressly or impliedly represented to be a controlled substance or is distributed under circumstances which would lead a reasonable person to believe that the substance is a controlled substance. For the purpose of determining whether the representations made or the circumstances of the distribution would lead a reasonable person to believe the substance to be a controlled substance under this clause (2) of subsection (y), the court or other authority may consider the following factors in addition to any other factor that may be relevant:

(a) statements made by the owner or person in control of the substance concerning its nature, use or effect;

(b) statements made to the buyer or recipient that the substance may be resold for profit;

(c) whether the substance is packaged in a manner normally used for the illegal distribution of controlled substances;

(d) whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount of the consideration was substantially greater than the reasonable retail market value of the substance.

Clause (1) of this subsection (y) shall not apply to a noncontrolled substance in its finished dosage form that was initially introduced into commerce prior to the initial introduction into commerce of a controlled substance in its finished dosage form which it may substantially resemble.

Nothing in this subsection (y) prohibits the dispensing or distributing of noncontrolled substances by persons authorized to dispense and distribute controlled substances under this Act, provided that such action would be deemed to be carried out in good faith under subsection (u) if the substances involved were controlled substances.

Nothing in this subsection (y) or in this Act prohibits the manufacture, preparation, propagation, compounding, processing, packaging, advertising or distribution of a drug or drugs by any person registered pursuant to Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

(y-1) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States, other than Illinois, that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance other than methamphetamine, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling of its container, except that this term does not include:

(1) by an ultimate user, the preparation or compounding of a controlled substance for his own use; or

(2) by a practitioner, or his authorized agent under his supervision, the preparation, compounding, packaging, or labeling of a controlled substance:

(a) as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or

(b) as an incident to lawful research, teaching or chemical analysis and not for sale.

(z-1) (Blank).

(aa) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1), but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salts, compound, isomer, salt of an isomer, derivative, or preparation of coca leaves including cocaine or ecgonine, and any salt, compound, isomer, derivative, or

preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine (for the purpose of this paragraph, the term "isomer" includes optical, positional and geometric isomers).

(bb) "Nurse" means a registered nurse licensed under the Nurse Practice Act.

(cc) (Blank).

(dd) "Opiate" means any substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having addiction forming or addiction sustaining liability.

(ee) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

(ff) "Parole and Pardon Board" means the Parole and Pardon Board of the State of Illinois or its successor agency.

(gg) "Person" means any individual, corporation, mail-order pharmacy, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

(hh) "Pharmacist" means any person who holds a license or certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act.

(ii) "Pharmacy" means any store, ship or other place in which pharmacy is authorized to be practiced under the Pharmacy Practice Act.

(jj) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(kk) "Practitioner" means a physician licensed to practice medicine in all its branches, dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacist, physician assistant, advanced practice nurse, licensed practical nurse, registered nurse, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise lawfully permitted by the United States or this State to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

(ll) "Pre-printed prescription" means a written prescription upon which the designated drug has been indicated prior to the time of issuance.

(mm) "Prescriber" means a physician licensed to practice medicine in all its branches, dentist, optometrist, podiatrist or veterinarian who issues a prescription, a physician assistant who issues a prescription for a ~~Schedule III, IV, or V~~ controlled substance in accordance with Section 303.05 , a written delegation, and a ~~the~~ written supervision agreement ~~guidelines~~ required under Section 7.5 of the Physician Assistant Practice Act of 1987, or an advanced practice nurse with prescriptive authority delegated under Section 65-40 of the Nurse Practice Act and in accordance with Section 303.05 , a written delegation, and a written collaborative agreement under Section 65-35 of the Nurse Practice Act.

(nn) "Prescription" means a lawful written, facsimile, or verbal order of a physician licensed to practice medicine in all its branches, dentist, podiatrist or veterinarian for any controlled substance, of an optometrist for a Schedule III, IV, or V controlled substance in accordance with Section 15.1 of the Illinois Optometric Practice Act of 1987, of a physician assistant for a ~~Schedule III, IV, or V~~ controlled substance in accordance with Section 303.05 , a written delegation, and a ~~the~~ written supervision agreement ~~guidelines~~ required under Section 7.5 of the Physician Assistant Practice Act of 1987, or of an advanced practice nurse with prescriptive authority delegated under Section 65-40 of the Nurse Practice Act who issues a prescription for a ~~Schedule III, IV, or V~~ controlled substance in accordance with Section 303.05 , a written delegation, and a written collaborative agreement under Section 65-35 of the Nurse Practice Act.

(oo) "Production" or "produce" means manufacture, planting, cultivating, growing, or harvesting of a controlled substance other than methamphetamine.

(pp) "Registrant" means every person who is required to register under Section 302 of this Act.

(qq) "Registry number" means the number assigned to each person authorized to handle controlled substances under the laws of the United States and of this State.

(rr) "State" includes the State of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(ss) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(Source: P.A. 94-556, eff. 9-11-05; 95-242, eff. 1-1-08; 95-639, eff. 10-5-07; 95-689, eff. 10-29-07; 95-876, eff. 8-21-08.)

(720 ILCS 570/303.05)

Sec. 303.05. Mid-level practitioner registration.

(a) The Department of Financial and Professional Regulation shall register licensed physician assistants and licensed advanced practice nurses to prescribe and dispense ~~Schedule III, IV, or V~~ controlled substances under Section 303 and euthanasia agencies to purchase, store, or administer animal euthanasia drugs under the following circumstances:

(1) with respect to physician assistants ~~or advanced practice nurses~~,

(A) the physician assistant ~~or advanced practice nurse~~ has been delegated ~~prescriptive~~ authority to prescribe any Schedule III through V controlled substances by a physician licensed to practice medicine in all its branches in accordance with Section 7.5 of the Physician Assistant Practice Act of 1987 or Section 65-40 of the Nurse Practice Act; and the ~~(B) the~~ physician assistant ~~or advanced practice nurse~~ has completed the appropriate application forms and has paid the required fees as set by rule; or

(B) the physician assistant has been delegated authority by a supervising physician licensed to practice medicine in all its branches to prescribe or dispense Schedule II controlled substances through a written delegation of authority and under the following conditions:

(i) no more than 5 Schedule II controlled substances by oral dosage may be delegated;

(ii) any delegation must be of controlled substances prescribed by the supervising physician;

(iii) all prescriptions must be limited to no more than a 30-day oral dosage, with any continuation authorized only after prior approval of the supervising physician;

(iv) the physician assistant must discuss the condition of any patients for whom a controlled substance is prescribed monthly with the delegating physician; and

(v) the physician assistant must have completed the appropriate application forms and paid the required fees as set by rule; and

(2) with respect to advanced practice nurses,

(A) the advanced practice nurse has been delegated authority to prescribe any Schedule III through V controlled substances by a physician licensed to practice medicine in all its branches or a podiatrist in accordance with Section 65-40 of the Nurse Practice Act. The advanced practice nurse has completed the appropriate application forms and has paid the required fees as set by rule; or

(B) the advanced practice nurse has been delegated authority by a collaborating physician licensed to practice medicine in all its branches to prescribe or dispense Schedule II controlled substances through a written delegation of authority and under the following conditions:

(i) no more than 5 Schedule II controlled substances by oral dosage may be delegated;

(ii) any delegation must be of controlled substances prescribed by the collaborating physician;

(iii) all prescriptions must be limited to no more than a 30-day oral dosage, with any continuation authorized only after prior approval of the collaborating physician;

(iv) the advanced practice nurse must discuss the condition of any patients for whom a controlled substance is prescribed monthly with the delegating physician; and

(v) the advanced practice nurse must have completed the appropriate application forms and paid the required fees as set by rule; or

(3) ~~(2)~~ with respect to animal euthanasia agencies, the euthanasia agency has obtained a license from the Department of Professional Regulation and obtained a registration number from the Department.

(b) The mid-level practitioner shall only be licensed to prescribe those schedules of controlled substances for which a licensed physician or licensed podiatrist has delegated prescriptive authority, except that an animal ~~a~~ euthanasia agency does not have any prescriptive authority. A physician assistant and an advanced practice nurse are prohibited from prescribing medications and controlled substances not set forth in the required written delegation of authority.

(c) Upon completion of all registration requirements, physician assistants, advanced practice nurses, and animal euthanasia agencies shall be issued a mid-level practitioner controlled substances license for Illinois.

(Source: P.A. 95-639, eff. 10-5-07.)

Section 99. Effective date. This Act takes effect upon becoming law.".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 2285. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Coulson offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 2285 on page 4, line 14, by replacing "posted by" with "taking into account"; and
on page 5, by deleting lines 3 and 4; and
on page 5, line 5, by changing "(6)" to "(5)"; and
on page 5, by replacing lines 9 through 12 with the following:
"(6) Development of strategies to control risk of injury to"; and
on page 5, line 16, by changing "(8)" to "(7)".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 2286. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Reitz offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 2286 on page 1, lines 5 and 6, by deleting "and by adding Section 24.1"; and
on page 7, by deleting lines 2 through 16.

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 2448. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Miller offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 2448 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 10-29 as follows:

(105 ILCS 5/10-29 new)

Sec. 10-29. Remote educational programs.

(a) For purposes of this Section, "remote educational program" means an educational program delivered to students in the home or other location outside of a school building that meets all of the following criteria:

(1) A student may participate in the program only after the school district determines, pursuant to adopted school board policy, that a remote educational program will best serve the student's individual learning needs. The adopted school board policy shall include, but not be limited to, all of the following:

(A) Criteria for determining that a remote educational program will best serve a student's individual learning needs.

(B) Any limitations on the number of students or grade levels that may participate in a remote educational program.

(C) A description of the process that the school district will use to approve participation in the remote educational program.

(D) A description of the process the school district will use to develop and approve a written remote educational plan that meets the requirements of subdivision (5) of this subsection (a).

(E) A description of the system the school district will establish to calculate the number of clock hours a student is participating in instruction in accordance with the remote educational program.

(F) A description of the process for renewing a remote educational program at the expiration of its term.

(G) Such other terms and provisions as the school district deems necessary to provide for the establishment and delivery of a remote educational program.

(2) The school district has determined that the remote educational program's curriculum is aligned to State learning standards and that the program offers instruction and educational experiences consistent with those given to students at the same grade level in the district.

(3) The remote educational program is delivered by instructors that meet the following qualifications:

(A) they are certificated under Article 21 of this Code;

(B) they meet applicable highly qualified criteria under the federal No Child Left Behind Act of 2001; and

(C) they have responsibility for all of the following elements of the program: planning instruction, diagnosing learning needs, prescribing content delivery through class activities, assessing learning, reporting outcomes to administrators and parents and guardians, and evaluating the effects of instruction.

(4) During that period of the calendar year included within the regular school term of the school district, the remote educational program may be offered only on days of pupil attendance or institute days included within the school district's calendar established pursuant to Section 10-19 of this Code. Outside of the regular school term of the district, the remote educational program may be offered as part of any summer school program authorized by this Code.

(5) Each student participating in the remote educational program must have a written remote educational plan that includes, but is not limited to, all of the following:

(A) Specific achievement goals for the student aligned to State learning standards.

(B) A description of all assessments that will be used to measure student progress, which description shall indicate the assessments that will be administered at an attendance center within the school district.

(C) A description of the progress reports that will be provided to the student's parents and the school district.

(D) Expectations, processes, and schedules for interaction between a teacher and student.

(E) A description of the specific responsibilities of the student's family and the school district with respect to equipment, materials, phone and Internet service, and any other requirements applicable to the home or other location outside of a school building necessary for the delivery of the remote educational program.

(F) If applicable, a description of how the remote educational program will be delivered in a manner consistent with the student's individualized educational program or plan under Section 504 of the federal Rehabilitation Act of 1973.

(G) A description of the procedures and opportunities for participation in academic and extra-curricular activities and programs within the school district.

(H) The identification of a parent, guardian, or other responsible adult who will provide direct supervision of the program. The plan must include an acknowledgment by the parent, guardian, or other responsible adult that he or she may engage only in non-teaching duties not requiring instructional judgment or the evaluation of a student. The plan shall designate the parent, guardian, or other responsible adult as non-teaching personnel or volunteer personnel under subsection (a) of Section 10-22.34 of this Code.

(I) The identification of a school district administrator who will oversee the remote educational program on behalf of the school district and who may be contacted by the student's parents with respect to any issues or concerns with the program.

(J) The term of the student's participation in the remote educational program, which may not extend for longer than 12 months, unless the term is renewed by the district in accordance with subdivision (7) of this subsection (a).

(K) A description of the specific location or locations in which the program will be delivered. If the remote educational program is to be delivered to a student in any location other than the student's home, the plan must include a written determination by the school district that the location will provide a learning environment appropriate for the delivery of the program.

(L) Certification by the school district that the plan meets all other requirements of this Section.

(6) Students participating in a remote educational program must be enrolled in a school district attendance center pursuant to the school district's enrollment policy or policies. A student participating in a remote educational program must be tested as part of all assessments administered by the school district

pursuant to Section 2-3.64 of this Code at the attendance center in which the student is enrolled and in accordance with the attendance center's assessment policies and schedule. The student must be included within all adequate yearly progress and other accountability determinations for the school district and attendance center under State and federal law.

(7) The term of a student's participation in a remote educational program may not extend for longer than 12 months, unless the term is renewed by the school district. The district may only renew a student's participation in a remote educational program following an evaluation of the student's progress in the program, a determination that the student's continuation in the program will best serve the student's individual learning needs, and an amendment to the student's written remote educational plan addressing any changes for the upcoming term of the program.

(b) A school district may, by resolution of its school board, establish a remote educational program.

(c) Days of attendance by students in a remote educational program meeting the requirements of this Section may be claimed by the school district and shall be counted as school work for general State aid purposes in accordance with and subject to the limitations of Section 18-8.05 of this Code.

(d) The impact of remote educational programs on wages, hours, and terms and conditions of employment of educational employees within the school district shall be subject to local collective bargaining agreements.

(e) The use of a home or other location outside of a school building for a remote educational program shall not cause the home or other location to be deemed a public school facility.

Section 99. Effective date. This Act takes effect upon becoming law.".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 3649. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Health Care Licenses, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 3649 by replacing everything after the enacting clause with the following:

"Section 5. The Hospital Licensing Act is amended by changing Section 9 and by adding Section 9.6 as follows:

(210 ILCS 85/9) (from Ch. 111 1/2, par. 150)

Sec. 9. Inspections and investigations. The Department shall make or cause to be made such inspections and investigations as it deems necessary, except that the Department shall investigate every allegation of abuse of a patient received by the Department. Information received by the Department through filed reports, inspection, or as otherwise authorized under this Act shall not be disclosed publicly in such manner as to identify individuals or hospitals, except (i) in a proceeding involving the denial, suspension, or revocation of a permit to establish a hospital or a proceeding involving the denial, suspension, or revocation of a license to open, conduct, operate, and maintain a hospital, (ii) to the Department of Children and Family Services in the course of a child abuse or neglect investigation conducted by that Department or by the Department of Public Health, (iii) in accordance with Section 6.14a of this Act, or (iv) in other circumstances as may be approved by the Hospital Licensing Board.

(Source: P.A. 90-608, eff. 6-30-98; 91-242, eff. 1-1-00.)

(210 ILCS 85/9.6 new)

Sec. 9.6. Patient protection from abuse.

(a) No administrator, agent, or employee of a hospital or a member of its medical staff may abuse a patient in the hospital.

(b) Any hospital administrator, agent, employee, or medical staff member who has reasonable cause to believe that any patient with whom he or she has direct contact has been subjected to abuse in the hospital shall promptly report or cause a report to be made to a designated hospital administrator responsible for providing such reports to the Department as required by this Section.

(c) Retaliation against a person who lawfully and in good faith makes a report under this Section is

prohibited.

(d) Upon receiving a report under subsection (b) of this Section, the hospital shall submit the report to the Department within 24 hours of obtaining such report. In the event that the hospital receives multiple reports involving a single alleged instance of abuse, the hospital shall submit one report to the Department.

(e) Upon receiving a report under this Section, the hospital shall promptly conduct an internal review to ensure the alleged victim's safety. Measures to protect the alleged victim shall be taken as deemed necessary by the hospital's administrator and may include, but are not limited to, removing suspected violators from further patient contact during the hospital's internal review. If the alleged victim lacks decision-making capacity under the Health Care Surrogate Act and no health care surrogate is available, the hospital may contact the Illinois Guardianship and Advocacy Commission to determine the need for a temporary guardian of that person.

(f) All internal hospital reviews shall be conducted by a designated hospital employee or agent who is qualified to detect abuse and is not involved in the alleged victim's treatment. All internal review findings must be documented and filed according to hospital procedures and shall be made available to the Department upon request.

(g) Any other person may make a report of patient abuse to the Department if that person has reasonable cause to believe that a patient has been abused in the hospital.

(h) The report required under this Section shall include: the name of the patient; the name and address of the hospital treating the patient; the age of the patient; the nature of the patient's condition, including any evidence of previous injuries or disabilities; and any other information that the reporter believes might be helpful in establishing the cause of the reported abuse and the identity of the person believed to have caused the abuse.

(i) Any individual, person, institution, or agency participating in good faith in the making of a report under this Section, or in the investigation of such a report or in making a disclosure of information concerning reports of abuse under this Section, shall have immunity from any liability, whether civil, professional, or criminal, that otherwise might result by reason of such actions. For the purpose of any proceedings, whether civil, professional, or criminal, the good faith of any persons required to report cases of suspected abuse under this Section or who disclose information concerning reports of abuse in compliance with this Section, shall be presumed.

(j) No administrator, agent, or employee of a hospital shall adopt or employ practices or procedures designed to discourage good faith reporting of patient abuse under this Section.

(k) Every hospital shall ensure that all new and existing employees are trained in the detection and reporting of abuse of patients and retrained at least every 2 years thereafter.

(l) The Department shall investigate each report of patient abuse made under this Section according to the procedures of the Department, except that a report of abuse which indicates that a patient's life or safety is in imminent danger shall be investigated within 24 hours of such report. Under no circumstances may a hospital's internal review of an allegation of abuse replace an investigation of the allegation by the Department.

(m) The Department shall keep a continuing record of all reports made pursuant to this Section, including indications of the final determination of any investigation and the final disposition of all reports. The Department shall inform the investigated hospital and any other person making a report under subsection (g) of its final determination or disposition in writing.

(n) The Department shall not disclose to the public any information regarding any reports and investigations under this Section unless and until the report of abuse is substantiated following a full and proper investigation.

(o) All patient identifiable information in any report or investigation under this Section shall be confidential and shall not be disclosed except as authorized by this Act or other applicable law.

(p) Nothing in this Section relieves a hospital administrator, employee, agent, or medical staff member from contacting appropriate law enforcement authorities as required by law.

(q) Nothing in this Section shall be construed to mean that a patient is a victim of abuse because of health care services provided or not provided by health care professionals.

(r) Nothing in this Section shall require a hospital, including its employees, agents, and medical staff members, to provide any services to a patient in contravention of his or her stated or implied objection thereto upon grounds that such services conflict with his or her religious beliefs or practices, nor shall such a patient be considered abused under this Section for the exercise of such beliefs or practices.

(s) As used in this Section, the following terms have the following meanings:

"Abuse" means any physical or mental injury or sexual abuse intentionally inflicted by a hospital

employee, agent, or medical staff member on a patient of the hospital and does not include any hospital, medical, health care, or other personal care services done in good faith in the interest of the patient according to established medical and clinical standards of care.

"Mental injury" means intentionally caused emotional distress in a patient from words or gestures that would be considered by a reasonable person to be humiliating, harassing, or threatening and which causes observable and substantial impairment.

"Sexual abuse" means any intentional act of sexual contact or sexual penetration of a patient in the hospital.

"Substantiated", with respect to a report of abuse, means that a preponderance of the evidence indicates that abuse occurred.".

Representative Ryg offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 3649, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 4, line 7, by replacing "Any" with "Except for willful or wanton misconduct, any".

The foregoing motion prevailed and Amendment No. 2 was adopted.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 3661. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Black offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 3661, on page 9, line 11, by replacing "5" with "2"; and

on page 9, line 14, by replacing "1975 and if" with "1975, the member applies within 12 months after the effective date of this amendatory Act of the 96th General Assembly, and".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 3787. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Tryon offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 3787 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 6-106.1 as follows:

(625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

Sec. 6-106.1. School bus driver permit.

(a) The Secretary of State shall issue a school bus driver permit to those applicants who have met all the requirements of the application and screening process under this Section to insure the welfare and safety of children who are transported on school buses throughout the State of Illinois. Applicants shall obtain the proper application required by the Secretary of State from their prospective or current employer and submit the completed application to the prospective or current employer along with the necessary fingerprint submission as required by the Department of State Police to conduct fingerprint based criminal background checks on current and future information available in the state system and current information available through the Federal Bureau of Investigation's system. Applicants who have completed the fingerprinting

requirements shall not be subjected to the fingerprinting process when applying for subsequent permits or submitting proof of successful completion of the annual refresher course. Individuals who on the effective date of this Act possess a valid school bus driver permit that has been previously issued by the appropriate Regional School Superintendent are not subject to the fingerprinting provisions of this Section as long as the permit remains valid and does not lapse. The applicant shall be required to pay all related application and fingerprinting fees as established by rule including, but not limited to, the amounts established by the Department of State Police and the Federal Bureau of Investigation to process fingerprint based criminal background investigations. All fees paid for fingerprint processing services under this Section shall be deposited into the State Police Services Fund for the cost incurred in processing the fingerprint based criminal background investigations. All other fees paid under this Section shall be deposited into the Road Fund for the purpose of defraying the costs of the Secretary of State in administering this Section. All applicants must:

1. be 21 years of age or older;

2. possess a valid and properly classified driver's license issued by the Secretary of State;

3. possess a valid driver's license, which has not been revoked, suspended, or canceled for 3 years immediately prior to the date of application, or have not had his or her commercial motor vehicle driving privileges disqualified within the 3 years immediately prior to the date of application;

4. successfully pass a written test, administered by the Secretary of State, on school bus operation, school bus safety, and special traffic laws relating to school buses and submit to a review of the applicant's driving habits by the Secretary of State at the time the written test is given;

5. demonstrate ability to exercise reasonable care in the operation of school buses in accordance with rules promulgated by the Secretary of State;

6. demonstrate physical fitness to operate school buses by submitting the results of a medical examination, including tests for drug use for each applicant not subject to such testing pursuant to federal law, conducted by a licensed physician, an advanced practice nurse who has a written collaborative agreement with a collaborating physician which authorizes him or her to perform medical examinations, or a physician assistant who has been delegated the performance of medical examinations by his or her supervising physician within 90 days of the date of application according to standards promulgated by the Secretary of State;

7. affirm under penalties of perjury that he or she has not made a false statement or knowingly concealed a material fact in any application for permit;

8. have completed an initial classroom course, including first aid procedures, in school bus driver safety as promulgated by the Secretary of State; and after satisfactory completion of said initial course an annual refresher course; such courses and the agency or organization conducting such courses shall be approved by the Secretary of State; failure to complete the annual refresher course, shall result in cancellation of the permit until such course is completed;

9. not have been convicted of 2 or more serious traffic offenses, as defined by rule, within one year prior to the date of application that may endanger the life or safety of any of the driver's passengers within the duration of the permit period;

10. not have been convicted of reckless driving, driving while intoxicated, or reckless homicide resulting from the operation of a motor vehicle within 3 years of the date of application;

11. not have been convicted of committing or attempting to commit any one or more of the following offenses: (i) those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and subsection (b), clause (1), of Section 12-4 of the Criminal Code of 1961; (ii) those offenses defined in the Cannabis Control Act except those offenses defined in subsections (a) and (b) of Section 4, and subsection (a) of Section 5 of the Cannabis Control Act; (iii) those offenses defined in the Illinois Controlled Substances Act; (iv) those offenses defined in the Methamphetamine Control and Community Protection Act; (v) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State would be punishable as one or more of the foregoing offenses; (vi) the offenses defined in Section 4.1 and 5.1 of the Wrongs to Children Act and (vii) those offenses defined in Section 6-16 of the Liquor Control Act of 1934;

12. not have been repeatedly involved as a driver in motor vehicle collisions or been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree which indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

13. not have, through the unlawful operation of a motor vehicle, caused an accident resulting in the death of any person; and

14. not have, within the last 5 years, been adjudged to be afflicted with or suffering from any mental disability or disease.

(b) A school bus driver permit shall be valid for a period specified by the Secretary of State as set forth by rule. It shall be renewable upon compliance with subsection (a) of this Section.

(c) A school bus driver permit shall contain the holder's driver's license number, legal name, residence address, zip code, social security number and date of birth, a brief description of the holder and a space for signature. The Secretary of State may require a suitable photograph of the holder.

(d) The employer shall be responsible for conducting a pre-employment interview with prospective school bus driver candidates, distributing school bus driver applications and medical forms to be completed by the applicant, and submitting the applicant's fingerprint cards to the Department of State Police that are required for the criminal background investigations. The employer shall certify in writing to the Secretary of State that all pre-employment conditions have been successfully completed including the successful completion of an Illinois specific criminal background investigation through the Department of State Police and the submission of necessary fingerprints to the Federal Bureau of Investigation for criminal history information available through the Federal Bureau of Investigation system. The applicant shall present the certification to the Secretary of State at the time of submitting the school bus driver permit application.

(e) Permits shall initially be provisional upon receiving certification from the employer that all pre-employment conditions have been successfully completed, and upon successful completion of all training and examination requirements for the classification of the vehicle to be operated, the Secretary of State shall provisionally issue a School Bus Driver Permit. The permit shall remain in a provisional status pending the completion of the Federal Bureau of Investigation's criminal background investigation based upon fingerprinting specimens submitted to the Federal Bureau of Investigation by the Department of State Police. The Federal Bureau of Investigation shall report the findings directly to the Secretary of State. The Secretary of State shall remove the bus driver permit from provisional status upon the applicant's successful completion of the Federal Bureau of Investigation's criminal background investigation.

(f) A school bus driver permit holder shall notify the employer and the Secretary of State if he or she is convicted in another state of an offense that would make him or her ineligible for a permit under subsection (a) of this Section. The written notification shall be made within 5 days of the entry of the conviction. Failure of the permit holder to provide the notification is punishable as a petty offense for a first violation and a Class B misdemeanor for a second or subsequent violation.

(g) Cancellation; suspension; notice and procedure.

(1) The Secretary of State shall cancel a school bus driver permit of an applicant whose criminal background investigation discloses that he or she is not in compliance with the provisions of subsection (a) of this Section.

(2) The Secretary of State shall cancel a school bus driver permit when he or she receives notice that the permit holder fails to comply with any provision of this Section or any rule promulgated for the administration of this Section.

(3) The Secretary of State shall cancel a school bus driver permit if the permit holder's restricted commercial or commercial driving privileges are withdrawn or otherwise invalidated.

(4) The Secretary of State may not issue a school bus driver permit for a period of 3 years to an applicant who fails to obtain a negative result on a drug test as required in item 6 of subsection (a) of this Section or under federal law.

(5) The Secretary of State shall forthwith suspend a school bus driver permit for a period of 3 years upon receiving notice that the holder has failed to obtain a negative result on a drug test as required in item 6 of subsection (a) of this Section or under federal law.

The Secretary of State shall notify the State Superintendent of Education and the permit holder's prospective or current employer that the applicant has (1) has failed a criminal background investigation or (2) is no longer eligible for a school bus driver permit; and of the related cancellation of the applicant's provisional school bus driver permit. The cancellation shall remain in effect pending the outcome of a hearing pursuant to Section 2-118 of this Code. The scope of the hearing shall be limited to the issuance criteria contained in subsection (a) of this Section. A petition requesting a hearing shall be submitted to the

Secretary of State and shall contain the reason the individual feels he or she is entitled to a school bus driver permit. The permit holder's employer shall notify in writing to the Secretary of State that the employer has certified the removal of the offending school bus driver from service prior to the start of that school bus driver's next workshift. An employing school board that fails to remove the offending school bus driver from service is subject to the penalties defined in Section 3-14.23 of the School Code. A school bus contractor who violates a provision of this Section is subject to the penalties defined in Section 6-106.11.

All valid school bus driver permits issued under this Section prior to January 1, 1995, shall remain effective until their expiration date unless otherwise invalidated.

(h) When a school bus driver permit holder who is a service member is called to active duty, the employer of the permit holder shall notify the Secretary of State, within 30 days of notification from the permit holder, that the permit holder has been called to active duty. Upon notification pursuant to this subsection, (i) the Secretary of State shall characterize the permit as inactive until a permit holder renews the permit as provided in subsection (i) of this Section, and (ii) if a permit holder fails to comply with the requirements of this Section while called to active duty, the Secretary of State shall not characterize the permit as invalid.

(i) A school bus driver permit holder who is a service member returning from active duty must, within 90 days, renew a permit characterized as inactive pursuant to subsection (h) of this Section by complying with the renewal requirements of subsection (b) of this Section.

(g) For purposes of subsections (h) and (i) of this Section:

"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

"Service member" means a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.

(Source: P.A. 93-895, eff. 1-1-05; 94-556, eff. 9-11-05.)

Section 99. Effective date. This Act takes effect upon becoming law.".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was held on the order of Second Reading.

HOUSE BILL 4036. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Bellock offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 4036 by replacing everything after the enacting clause with the following:

"Section 5. The Animal Welfare Act is amended by adding Sections 3.3 and 3.4 as follows:

(225 ILCS 605/3.3 new)

Sec. 3.3. Adoption of dogs and cats.

(a) An animal shelter or animal control facility shall not adopt out any dog or cat unless it has been sterilized and microchipped. However, an animal shelter or animal control facility may adopt out a dog or cat that has not been sterilized and microchipped if:

(1) the adopting owner has executed a written agreement agreeing to have sterilizing and microchipping procedures performed on the animal to be adopted within a specified period of time not to exceed 30 days after the date of the adoption, or

(2) the adopting owner has executed a written agreement to have sterilizing and microchipping procedures performed within 14 days after a licensed veterinarian certifies the dog or cat is healthy enough for sterilizing and microchipping procedures, and a licensed veterinarian has certified that the dog or cat is too sick or injured to be sterilized or it would be detrimental to the health of the dog or cat to be sterilized or microchipped at the time of the adoption.

(b) An animal shelter or animal control facility may adopt out any dog or cat that is not free of disease, injury, or abnormality if the disease, injury, or abnormality is disclosed in writing to the adopter, and the animal shelter or animal control facility allows the adopter to return the animal to the animal shelter or animal control facility.

(c) The requirements of subsections (a) and (b) of this Section do not apply to adoptions subject to Section 11 of the Animal Control Act.

(225 ILCS 605/3.4 new)

Sec. 3.4. Release of animals to shelters. An animal shelter or animal control facility may not release any animal to an individual representing an animal shelter, unless the recipient animal shelter has been licensed or has a foster care permit issued by the Department or the individual is a representative of a not-for-profit, out-of-State organization.

Section 99. Effective date. This Act takes effect upon becoming law.".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 4046. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Joyce offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 4046 on page 2, line 24, by replacing "surface" with "and grade crossing surface".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

## RECALL

At the request of the principal sponsor, Representative Feigenholtz, HOUSE BILL 745 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

## HOUSE BILLS ON SECOND READING

HOUSE BILL 745. Having been recalled on March 31, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Washington offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 745 on page 1, lines 18 and 19, by deleting "The date of the application shall be the date it is submitted by the applicant.".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

HOUSE BILL 752. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Feigenholtz offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 752 on page 1, line 18, by replacing "2009" with "2010".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been read by title a second time on March 31, 2009 and held, the following bill was taken up and advanced to the order of Third Reading: HOUSE BILL 3787.

Having been read by title a second time on March 30, 2009 and held, the following bill was taken up and advanced to the order of Third Reading: HOUSE BILL 30.

HOUSE BILL 163. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Labor, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 163 by replacing everything after the enacting clause with the following:

"Section 5. The Prevailing Wage Act is amended by changing Section 4 as follows:

(820 ILCS 130/4) (from Ch. 48, par. 39s-4)

Sec. 4. Ascertaining prevailing wage.

(a) The public body awarding any contract for public work or otherwise undertaking any public works, shall ascertain the general prevailing rate of hourly wages in the locality in which the work is to be performed, for each craft or type of worker or mechanic needed to execute the contract, and where the public body performs the work without letting a contract therefor, shall ascertain the prevailing rate of wages on a per hour basis in the locality, and such public body shall specify in the resolution or ordinance and in the call for bids for the contract, that the general prevailing rate of wages in the locality for each craft or type of worker or mechanic needed to execute the contract or perform such work, also the general prevailing rate for legal holiday and overtime work, as ascertained by the public body or by the Department of Labor shall be paid for each craft or type of worker needed to execute the contract or to perform such work, and it shall be mandatory upon the contractor to whom the contract is awarded and upon any subcontractor under him, and where the public body performs the work, upon the public body, to pay not less than the specified rates to all laborers, workers and mechanics employed by them in the execution of the contract or such work; provided, however, that if the public body desires that the Department of Labor ascertain the prevailing rate of wages, it shall notify the Department of Labor to ascertain the general prevailing rate of hourly wages for work under contract, or for work performed by a public body without letting a contract as required in the locality in which the work is to be performed, for each craft or type of worker or mechanic needed to execute the contract or project or work to be performed. Upon such notification the Department of Labor shall ascertain such general prevailing rate of wages, and certify the prevailing wage to such public body.

(a-1) The public body or other entity awarding the contract shall cause to be inserted in the project specifications and the contract a stipulation to the effect that not less than the prevailing rate of wages as found by the public body or Department of Labor or determined by the court on review shall be paid to all laborers, workers and mechanics performing work under the contract.

(a-2) When a public body or other entity covered by this Act has awarded work to a contractor without a public bid, contract or project specification, such public body or other entity shall comply with subsection (a-1) by providing the contractor with written notice on the purchase order related to the work to be done or on a separate document indicating that not less than the prevailing rate of wages as found by the public body or Department of Labor or determined by the court on review shall be paid to all laborers, workers, and mechanics performing work on the project.

(a-3) Where a complaint is made and the Department of Labor determines that a violation occurred, the Department of Labor shall determine if proper written notice under this Section 4 was given. If proper written notice was not provided to the contractor by the public body or other entity, the Department of Labor shall order the public body or other entity to pay any interest, penalties or fines that would have been owed by the contractor if proper written notice were provided. The failure by a public body or other entity to provide written notice does not relieve the contractor of the duty to comply with the prevailing wage

rate, nor of the obligation to pay any back wages, as determined under this Act. For the purposes of this subsection, back wages shall be limited to the difference between the actual amount paid and the prevailing rate of wages required to be paid for the project. The failure of a public body or other entity to provide written notice under this Section 4 does not diminish the right of a laborer, worker, or mechanic to the prevailing rate of wages as determined under this Act.

(b) It shall also be mandatory upon the contractor to whom the contract is awarded to insert into each subcontract and into the project specifications for each subcontract a written stipulation to the effect that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work under the contract. It shall also be mandatory upon each subcontractor to cause to be inserted into each lower tiered subcontract and into the project specifications for each lower tiered subcontract a stipulation to the effect that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work under the contract. A contractor or subcontractor who fails to comply with this subsection (b) is in violation of this Act.

(b-1) When a contractor has awarded work to a subcontractor without a contract or contract specification, the contractor shall comply with subsection (b) by providing a subcontractor with a written statement indicating that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work on the project. A contractor or subcontractor who fails to comply with this subsection (b-1) is in violation of this Act.

(b-2) Where a complaint is made and the Department of Labor determines that a violation has occurred, the Department of Labor shall determine if proper written notice under this Section 4 was given. If proper written notice was not provided to the subcontractor by the contractor, the Department of Labor shall order the contractor to pay any interest, penalties, or fines that would have been owed by the subcontractor if proper written notice were provided. The failure by a contractor to provide written notice to a subcontractor does not relieve the subcontractor of the duty to comply with the prevailing wage rate, nor of the obligation to pay any back wages, as determined under this Act. For the purposes of this subsection, back wages shall be limited to the difference between the actual amount paid and the prevailing rate of wages required for the project. However, if proper written notice was not provided to the contractor by the public body or other entity under this Section 4, the Department of Labor shall order the public body or other entity to pay any interest, penalties, or fines that would have been owed by the subcontractor if proper written notice were provided. The failure by a public body or other entity to provide written notice does not relieve the subcontractor of the duty to comply with the prevailing wage rate, nor of the obligation to pay any back wages, as determined under this Act. For the purposes of this subsection, back wages shall be limited to the difference between the actual amount paid and the prevailing rate of wages required for the project. The failure to provide written notice by a public body, other entity, or contractor does not diminish the right of a laborer, worker, or mechanic to the prevailing rate of wages as determined under this Act.

(c) A public body or other entity ~~It~~ shall also require in all contractor's and subcontractor's ~~such contractor's~~ bonds that the contractor or subcontractor include such provision as will guarantee the faithful performance of such prevailing wage clause as provided by contract or other written instrument. All bid specifications shall list the specified rates to all laborers, workers and mechanics in the locality for each craft or type of worker or mechanic needed to execute the contract.

(d) If the Department of Labor revises the prevailing rate of hourly wages to be paid by the public body, the revised rate shall apply to such contract, and the public body shall be responsible to notify the contractor and each subcontractor, of the revised rate.

(e) Two or more investigatory hearings under this Section on the issue of establishing a new prevailing wage classification for a particular craft or type of worker shall be consolidated in a single hearing before the Department. Such consolidation shall occur whether each separate investigatory hearing is conducted by a public body or the Department. The party requesting a consolidated investigatory hearing shall have the burden of establishing that there is no existing prevailing wage classification for the particular craft or type of worker in any of the localities under consideration.

(f) It shall be mandatory upon the contractor or construction manager to whom a contract for public works is awarded to post, at a location on the project site of the public works that is easily accessible to the workers engaged on the project, the prevailing wage rates for each craft or type of worker or mechanic needed to execute the contract or project or work to be performed. In lieu of posting on the project site of the public works, a contractor which has a business location where laborers, workers, and mechanics regularly visit may: (1) post in a conspicuous location at that business the current prevailing wage rates for each county in which the contractor is performing work; or (2) provide such laborer, worker, or mechanic engaged on the public works project a written notice indicating the prevailing wage rates for the public

works project. A failure to post or provide a prevailing wage rate as required by this Section is a violation of this Act.
(Source: P.A. 95-331, eff. 8-21-07.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been read by title a second time on March 30, 2009 and held, the following bills were taken up and advanced to the order of Third Reading: HOUSE BILLS 174 and 177.

HOUSE BILL 496. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

Representative Miller offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 496 by replacing everything after the enacting clause with the following:

"Section 5. The Medical Practice Act of 1987 is amended by changing Section 22 and adding Section 22.2 as follows:

(225 ILCS 60/22) (from Ch. 111, par. 4400-22)

(Section scheduled to be repealed on December 31, 2010)

Sec. 22. Disciplinary action.

(A) The Department may revoke, suspend, place on probationary status, refuse to renew, or take any other disciplinary action as the Department may deem proper with regard to the license or visiting professor permit of any person issued under this Act to practice medicine, or to treat human ailments without the use of drugs and without operative surgery upon any of the following grounds:

(1) Performance of an elective abortion in any place, locale, facility, or institution other than:

(a) a facility licensed pursuant to the Ambulatory Surgical Treatment Center Act;

(b) an institution licensed under the Hospital Licensing Act; or

(c) an ambulatory surgical treatment center or hospitalization or care facility maintained by the State or any agency thereof, where such department or agency has authority under law to establish and enforce standards for the ambulatory surgical treatment centers, hospitalization, or care facilities under its management and control; or

(d) ambulatory surgical treatment centers, hospitalization or care facilities maintained by the Federal Government; or

(e) ambulatory surgical treatment centers, hospitalization or care facilities maintained by any university or college established under the laws of this State and supported principally by public funds raised by taxation.

(2) Performance of an abortion procedure in a wilful and wanton manner on a woman who was not pregnant at the time the abortion procedure was performed.

(3) The conviction of a felony in this or any other jurisdiction, except as otherwise provided in subsection B of this Section, whether or not related to practice under this Act, or the entry of a guilty or nolo contendere plea to a felony charge.

(4) Gross negligence in practice under this Act.

(5) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(6) Obtaining any fee by fraud, deceit, or misrepresentation.

(7) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, or of any other substances which results in the inability to practice with reasonable judgment, skill or safety.

(8) Practicing under a false or, except as provided by law, an assumed name.

(9) Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.

(10) Making a false or misleading statement regarding their skill or the efficacy or value of the medicine, treatment, or remedy prescribed by them at their direction in the treatment of any

disease or other condition of the body or mind.

(11) Allowing another person or organization to use their license, procured under this Act, to practice.

(12) Disciplinary action of another state or jurisdiction against a license or other authorization to practice as a medical doctor, doctor of osteopathy, doctor of osteopathic medicine or doctor of chiropractic, a certified copy of the record of the action taken by the other state or jurisdiction being prima facie evidence thereof.

(13) Violation of any provision of this Act or of the Medical Practice Act prior to the repeal of that Act, or violation of the rules, or a final administrative action of the Secretary, after consideration of the recommendation of the Disciplinary Board.

(14) Violation of the prohibition against fee splitting in Section 22.2 of this Act. ~~Dividing with anyone other than physicians with whom the licensee practices in a partnership, Professional Association, limited liability company, or Medical or Professional Corporation any fee, commission, rebate or other form of compensation for any professional services not actually and personally rendered. Nothing contained in this subsection prohibits persons holding valid and current licenses under this Act from practicing medicine in partnership under a partnership agreement, including a limited liability partnership, in a limited liability company under the Limited Liability Company Act, in a corporation authorized by the Medical Corporation Act, as an association authorized by the Professional Association Act, or in a corporation under the Professional Corporation Act or from pooling, sharing, dividing or apportioning the fees and monies received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the Board of Directors of the corporation or association. Nothing contained in this subsection prohibits 2 or more corporations authorized by the Medical Corporation Act, from forming a partnership or joint venture of such corporations, and providing medical, surgical and scientific research and knowledge by employees of these corporations if such employees are licensed under this Act, or from pooling, sharing, dividing, or apportioning the fees and monies received by the partnership or joint venture in accordance with the partnership or joint venture agreement. Nothing contained in this subsection shall abrogate the right of 2 or more persons, holding valid and current licenses under this Act, to each receive adequate compensation for concurrently rendering professional services to a patient and divide a fee; provided, the patient has full knowledge of the division, and, provided, that the division is made in proportion to the services performed and responsibility assumed by each.~~

(15) A finding by the Medical Disciplinary Board that the registrant after having his or her license placed on probationary status or subjected to conditions or restrictions violated the terms of the probation or failed to comply with such terms or conditions.

(16) Abandonment of a patient.

(17) Prescribing, selling, administering, distributing, giving or self-administering any drug classified as a controlled substance (designated product) or narcotic for other than medically accepted therapeutic purposes.

(18) Promotion of the sale of drugs, devices, appliances or goods provided for a patient in such manner as to exploit the patient for financial gain of the physician.

(19) Offering, undertaking or agreeing to cure or treat disease by a secret method, procedure, treatment or medicine, or the treating, operating or prescribing for any human condition by a method, means or procedure which the licensee refuses to divulge upon demand of the Department.

(20) Immoral conduct in the commission of any act including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice.

(21) Wilfully making or filing false records or reports in his or her practice as a physician, including, but not limited to, false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(22) Wilful omission to file or record, or wilfully impeding the filing or recording, or inducing another person to omit to file or record, medical reports as required by law, or wilfully failing to report an instance of suspected abuse or neglect as required by law.

(23) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(24) Solicitation of professional patronage by any corporation, agents or persons, or profiting from those representing themselves to be agents of the licensee.

(25) Gross and wilful and continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing such false statements for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(26) A pattern of practice or other behavior which demonstrates incapacity or incompetence to practice under this Act.

(27) Mental illness or disability which results in the inability to practice under this Act with reasonable judgment, skill or safety.

(28) Physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skill which results in a physician's inability to practice under this Act with reasonable judgment, skill or safety.

(29) Cheating on or attempt to subvert the licensing examinations administered under this Act.

(30) Wilfully or negligently violating the confidentiality between physician and patient except as required by law.

(31) The use of any false, fraudulent, or deceptive statement in any document connected with practice under this Act.

(32) Aiding and abetting an individual not licensed under this Act in the practice of a profession licensed under this Act.

(33) Violating state or federal laws or regulations relating to controlled substances, legend drugs, or ephedra, as defined in the Ephedra Prohibition Act.

(34) Failure to report to the Department any adverse final action taken against them by another licensing jurisdiction (any other state or any territory of the United States or any foreign state or country), by any peer review body, by any health care institution, by any professional society or association related to practice under this Act, by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(35) Failure to report to the Department surrender of a license or authorization to practice as a medical doctor, a doctor of osteopathy, a doctor of osteopathic medicine, or doctor of chiropractic in another state or jurisdiction, or surrender of membership on any medical staff or in any medical or professional association or society, while under disciplinary investigation by any of those authorities or bodies, for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(36) Failure to report to the Department any adverse judgment, settlement, or award arising from a liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(37) Failure to <u>provide</u> ~~transfer~~ copies of medical records as required by law.

(38) Failure to furnish the Department, its investigators or representatives, relevant information, legally requested by the Department after consultation with the Chief Medical Coordinator or the Deputy Medical Coordinator.

(39) Violating the Health Care Worker Self-Referral Act.

(40) Willful failure to provide notice when notice is required under the Parental Notice of Abortion Act of 1995.

(41) Failure to establish and maintain records of patient care and treatment as required by this law.

(42) Entering into an excessive number of written collaborative agreements with licensed advanced practice nurses resulting in an inability to adequately collaborate ~~and provide medical direction~~.

(43) Repeated failure to adequately collaborate with ~~or provide medical direction to~~ a licensed advanced practice nurse.

Except for actions involving the ground numbered (26), all proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 5 years next after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described herein. Except for the grounds numbered (8), (9), (26), and (29), no action shall be commenced

more than 10 years after the date of the incident or act alleged to have violated this Section. For actions involving the ground numbered (26), a pattern of practice or other behavior includes all incidents alleged to be part of the pattern of practice or other behavior that occurred or a report pursuant to Section 23 of this Act received within the 10-year period preceding the filing of the complaint. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, such claim, cause of action or civil action being grounded on the allegation that a person licensed under this Act was negligent in providing care, the Department shall have an additional period of 2 years from the date of notification to the Department under Section 23 of this Act of such settlement or final judgment in which to investigate and commence formal disciplinary proceedings under Section 36 of this Act, except as otherwise provided by law. The time during which the holder of the license was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

The entry of an order or judgment by any circuit court establishing that any person holding a license under this Act is a person in need of mental treatment operates as a suspension of that license. That person may resume their practice only upon the entry of a Departmental order based upon a finding by the Medical Disciplinary Board that they have been determined to be recovered from mental illness by the court and upon the Disciplinary Board's recommendation that they be permitted to resume their practice.

The Department may refuse to issue or take disciplinary action concerning the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied as determined by the Illinois Department of Revenue.

The Department, upon the recommendation of the Disciplinary Board, shall adopt rules which set forth standards to be used in determining:

(a) when a person will be deemed sufficiently rehabilitated to warrant the public trust;

(b) what constitutes dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(c) what constitutes immoral conduct in the commission of any act, including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice; and

(d) what constitutes gross negligence in the practice of medicine.

However, no such rule shall be admissible into evidence in any civil action except for review of a licensing or other disciplinary action under this Act.

In enforcing this Section, the Medical Disciplinary Board, upon a showing of a possible violation, may compel any individual licensed to practice under this Act, or who has applied for licensure or a permit pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physician or physicians shall be those specifically designated by the Disciplinary Board. The Medical Disciplinary Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee or applicant and the examining physician. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to mental or physical examination, when directed, shall be grounds for suspension of his or her license until such time as the individual submits to the examination if the Disciplinary Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause. If the Disciplinary Board finds a physician unable to practice because of the reasons set forth in this Section, the Disciplinary Board shall require such physician to submit to care, counseling, or treatment by physicians approved or designated by the Disciplinary Board, as a condition for continued, reinstated, or renewed licensure to practice. Any physician, whose license was granted pursuant to Sections 9, 17, or 19 of this Act, or, continued, reinstated, renewed, disciplined or supervised, subject to such terms, conditions or restrictions who shall fail to comply with such terms, conditions or restrictions, or to complete a required program of care, counseling, or treatment, as determined by the Chief Medical Coordinator or Deputy Medical Coordinators, shall be referred to the Secretary for a determination as to whether the licensee shall have their license suspended immediately, pending a hearing by the Disciplinary Board. In instances in which the Secretary immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Disciplinary Board within 15 days after such suspension and completed without appreciable delay. The Disciplinary Board shall have the authority to review the subject physician's record of treatment and counseling

regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act, affected under this Section, shall be afforded an opportunity to demonstrate to the Disciplinary Board that they can resume practice in compliance with acceptable and prevailing standards under the provisions of their license.

The Department may promulgate rules for the imposition of fines in disciplinary cases, not to exceed $10,000 for each violation of this Act. Fines may be imposed in conjunction with other forms of disciplinary action, but shall not be the exclusive disposition of any disciplinary action arising out of conduct resulting in death or injury to a patient. Any funds collected from such fines shall be deposited in the Medical Disciplinary Fund.

(B) The Department shall revoke the license or visiting permit of any person issued under this Act to practice medicine or to treat human ailments without the use of drugs and without operative surgery, who has been convicted a second time of committing any felony under the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act, or who has been convicted a second time of committing a Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A person whose license or visiting permit is revoked under this subsection B of Section 22 of this Act shall be prohibited from practicing medicine or treating human ailments without the use of drugs and without operative surgery.

(C) The Medical Disciplinary Board shall recommend to the Department civil penalties and any other appropriate discipline in disciplinary cases when the Board finds that a physician willfully performed an abortion with actual knowledge that the person upon whom the abortion has been performed is a minor or an incompetent person without notice as required under the Parental Notice of Abortion Act of 1995. Upon the Board's recommendation, the Department shall impose, for the first violation, a civil penalty of $1,000 and for a second or subsequent violation, a civil penalty of $5,000.

(Source: P.A. 94-556, eff. 9-11-05; 94-677, eff. 8-25-05; 95-331, eff. 8-21-07.)

(225 ILCS 60/22.2 new)

(Section scheduled to be repealed on December 31, 2010)

Sec. 22.2. Prohibition against fee splitting.

(a) A licensee under this Act may not directly or indirectly divide, share or split any professional fee or other form of compensation for professional services with anyone in exchange for a referral or otherwise, other than as provided in this Section 22.2.

(b) Nothing contained in this Section abrogates the right of 2 or more licensed health care workers as defined in the Health Care Worker Self-referral Act to each receive adequate compensation for concurrently rendering services to a patient and to divide the fee for such service, whether or not the worker is employed, provided that the patient has full knowledge of the division and the division is made in proportion to the actual services personally performed and responsibility assumed by each licensee consistent with his or her license, except as prohibited by law.

(c) Nothing contained in this Section prohibits a licensee under this Act from practicing medicine through or within any form of legal entity authorized to conduct business in this State or from pooling, sharing, dividing, or apportioning the professional fees and other revenues in accordance with the agreements and policies of the entity provided:

(1) each owner of the entity is licensed under this Act;

(2) the entity is organized under the Medical Corporation Act, the Professional Services Corporation Act, the Professional Association Act, or the Limited Liability Company Act;

(3) the entity is allowed by Illinois law to provide physician services or employ physicians such as a licensed hospital or hospital affiliate or licensed ambulatory surgical treatment center owned in full or in part by Illinois-licensed physicians; or

(4) the entity is a combination or joint venture of the entities authorized under this subsection (c).

(d) Nothing contained in this Section prohibits a licensee under this Act from paying a fair market value fee to any person or entity whose purpose is to perform billing, administrative preparation, or collection services based upon a percentage of professional service fees billed or collected, a flat fee, or any other arrangement that directly or indirectly divides professional fees, for the administrative preparation of the licensee's claims or the collection of the licensee's charges for professional services, provided that:

(i) the licensee or the licensee's practice under subsection (c) of this Section at all times controls the amount of fees charged and collected; and

(ii) all charges collected are paid directly to the licensee or the licensee's practice or are deposited directly into an account in the name of and under the sole control of the licensee or the licensee's practice or

deposited into a "Trust Account" by a licensed collection agency in accordance with the requirements of Section 8(c) of the Illinois Collection Agency Act.

(e) Nothing contained in this Section prohibits the granting of a security interest in the accounts receivable or fees of a licensee under this Act or the licensee's practice for bona fide advances made to the licensee or licensee's practice provided the licensee retains control and responsibility for the collection of the accounts receivable and fees.

(f) Excluding payments that may be made to the owners of or licensees in the licensee's practice under subsection (c), a licensee under this Act may not divide, share or split a professional service fee with, or otherwise directly or indirectly pay a percentage of the licensee's professional service fees, revenues or profits to anyone for: (i) the marketing or management of the licensee's practice, (ii) including the licensee or the licensee's practice on any preferred provider list, (iii) allowing the licensee to participate in any network of health care providers, (iv) negotiating fees, charges or terms of service or payment on behalf of the licensee, or (v) including the licensee in a program whereby patients or beneficiaries are provided an incentive to use the services of the licensee.

(g) Nothing contained in this Section prohibits the payment of rent or other remuneration paid at fair market value to an individual, partnership, or corporation by a licensee for the lease, rental, or use of space, staff, administrative services, or equipment owned or controlled by the individual, partnership, or corporation, or the receipt thereof by a licensee.

Section 10. The Illinois Optometric Practice Act of 1987 is amended by changing Section 24 and by adding Section 24.2 as follows:

(225 ILCS 80/24) (from Ch. 111, par. 3924)

(Section scheduled to be repealed on January 1, 2017)

Sec. 24. Grounds for disciplinary action.

(a) The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem proper, including fines not to exceed $10,000 for each violation, with regard to any license for any one or combination of the following causes:

(1) Violations of this Act, or of the rules promulgated hereunder.

(2) Conviction of or entry of a plea of guilty to any crime under the laws of any U.S. jurisdiction thereof that is a felony or that is a misdemeanor of which an essential element is dishonesty, or any crime that is directly related to the practice of the profession.

(3) Making any misrepresentation for the purpose of obtaining a license.

(4) Professional incompetence or gross negligence in the practice of optometry.

(5) Gross malpractice, prima facie evidence of which may be a conviction or judgment of malpractice in any court of competent jurisdiction.

(6) Aiding or assisting another person in violating any provision of this Act or rules.

(7) Failing, within 60 days, to provide information in response to a written request made by the Department that has been sent by certified or registered mail to the licensee's last known address.

(8) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(9) Habitual or excessive use or addiction to alcohol, narcotics, stimulants or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.

(10) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.

(11) Violation of the prohibition against fee splitting in Section 24.2 of this Act. ~~Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered. This shall not be deemed to include (i) rent or other remunerations paid to an individual, partnership, or corporation by an optometrist for the lease, rental, or use of space, owned or controlled, by the individual, partnership, corporation or association, and (ii) the division of fees between an optometrist and related professional service providers with whom the optometrist practices in a professional corporation organized under Section 3.6 of the Professional Service Corporation Act.~~

(12) A finding by the Department that the licensee, after having his or her license placed on probationary status has violated the terms of probation.

(13) Abandonment of a patient.

(14) Willfully making or filing false records or reports in his or her practice, including but not limited to false records filed with State agencies or departments.

(15) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(16) Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(17) Solicitation of professional services other than permitted advertising.

(18) Failure to provide a patient with a copy of his or her record or prescription in accordance with federal law.

(19) Conviction by any court of competent jurisdiction, either within or without this State, of any violation of any law governing the practice of optometry, conviction in this or another State of any crime that is a felony under the laws of this State or conviction of a felony in a federal court, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.

(20) A finding that licensure has been applied for or obtained by fraudulent means.

(21) Continued practice by a person knowingly having an infectious or contagious disease.

(22) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or a neglected child as defined in the Abused and Neglected Child Reporting Act.

(23) Practicing or attempting to practice under a name other than the full name as shown on his or her license.

(24) Immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct or sexual exploitation, related to the licensee's practice.

(25) Maintaining a professional relationship with any person, firm, or corporation when the optometrist knows, or should know, that such person, firm, or corporation is violating this Act.

(26) Promotion of the sale of drugs, devices, appliances or goods provided for a client or patient in such manner as to exploit the patient or client for financial gain of the licensee.

(27) Using the title "Doctor" or its abbreviation without further qualifying that title or abbreviation with the word "optometry" or "optometrist".

(28) Use by a licensed optometrist of the word "infirmary", "hospital", "school", "university", in English or any other language, in connection with the place where optometry may be practiced or demonstrated.

(29) Continuance of an optometrist in the employ of any person, firm or corporation, or as an assistant to any optometrist or optometrists, directly or indirectly, after his or her employer or superior has been found guilty of violating or has been enjoined from violating the laws of the State of Illinois relating to the practice of optometry, when the employer or superior persists in that violation.

(30) The performance of optometric service in conjunction with a scheme or plan with another person, firm or corporation known to be advertising in a manner contrary to this Act or otherwise violating the laws of the State of Illinois concerning the practice of optometry.

(31) Failure to provide satisfactory proof of having participated in approved continuing education programs as determined by the Board and approved by the Secretary. Exceptions for extreme hardships are to be defined by the rules of the Department.

(32) Willfully making or filing false records or reports in the practice of optometry, including, but not limited to false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(33) Gross and willful overcharging for professional services including filing false statements for collection of fees for which services are not rendered, including, but not limited to filing false statements for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(34) In the absence of good reasons to the contrary, failure to perform a minimum eye examination as required by the rules of the Department.

(35) Violation of the Health Care Worker Self-Referral Act.

The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of the tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(a-5) In enforcing this Section, the Board upon a showing of a possible violation, may compel any individual licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Board. The Board or the Department may order the examining physician or clinical psychologist to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or clinical psychologist. Eye examinations may be provided by a licensed optometrist. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until such time as the individual submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board finds an individual unable to practice because of the reasons set forth in this Section, the Board shall require such individual to submit to care, counseling, or treatment by physicians or clinical psychologists approved or designated by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice, or in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual, or the Board may recommend to the Department to file a complaint to suspend, revoke, or otherwise discipline the license of the individual. Any individual whose license was granted pursuant to this Act, or continued, reinstated, renewed, disciplined, or supervised, subject to such conditions, terms, or restrictions, who shall fail to comply with such conditions, terms, or restrictions, shall be referred to the Secretary for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Board.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient; and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume his or her practice.

(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/24.2 new)

(Section scheduled to be repealed on January 1, 2017)

Sec. 24.2. Prohibition against fee splitting.

(a) A licensee under this Act may not directly or indirectly divide, share or split any professional fee or other form of compensation for professional services with anyone in exchange for a referral or otherwise, other than as provided in this Section 24.2.

(b) Nothing contained in this Section abrogates the right of 2 or more licensed health care workers as defined in the Health Care Worker Self-referral Act to each receive adequate compensation for concurrently rendering services to a patient and to divide the fee for such service, whether or not the worker is employed, provided that the patient has full knowledge of the division and the division is made in proportion to the actual services personally performed and responsibility assumed by each licensee consistent with his or her license, except as prohibited by law.

(c) Nothing contained in this Section prohibits a licensee under this Act from practicing optometry through or within any form of legal entity authorized to conduct business in this State or from pooling, sharing, dividing, or apportioning the professional fees and other revenues in accordance with the agreements and policies of the entity provided:

(1) each owner of the entity is licensed under this Act;

(2) the entity is organized under the Professional Services Corporation Act, the Professional Association Act, or the Limited Liability Company Act;

(3) the entity is allowed by Illinois law to provide optometric services or employ optometrists such as a licensed hospital or hospital affiliate or licensed ambulatory surgical treatment center owned in full or in part by Illinois-licensed physicians; or

(4) the entity is a combination or joint venture of the entities authorized under this subsection (c).

(d) Nothing contained in this Section prohibits a licensee under this Act from paying a fair market value fee to any person or entity whose purpose is to perform billing, administrative preparation, or collection services based upon a percentage of professional service fees billed or collected, a flat fee, or any other arrangement that directly or indirectly divides professional fees, for the administrative preparation of the licensee's claims or the collection of the licensee's charges for professional services, provided that:

(i) the licensee or the licensee's practice under subsection (c) at all times controls the amount of fees charged and collected; and

(ii) all charges collected are paid directly to the licensee or the licensee's practice or are deposited directly into an account in the name of and under the sole control of the licensee or the licensee's practice or deposited into a "Trust Account" by a licensed collection agency in accordance with the requirements of Section 8(c) of the Illinois Collection Agency Act.

(e) Nothing contained in this Section prohibits the granting of a security interest in the accounts receivable or fees of a licensee under this Act or the licensee's practice for bona fide advances made to the licensee or licensee's practice provided the licensee retains control and responsibility for the collection of the accounts receivable and fees.

(f) Excluding payments that may be made to the owners of or licensees in the licensee's practice under subsection (c), a licensee under this Act may not divide, share or split a professional service fee with, or otherwise directly or indirectly pay a percentage of the licensee's professional service fees, revenues or profits to anyone for: (i) the marketing or management of the licensee's practice, (ii) including the licensee or the licensee's practice on any preferred provider list, (iii) allowing the licensee to participate in any network of health care providers, (iv) negotiating fees, charges or terms of service or payment on behalf of the licensee, or (v) including the licensee in a program whereby patients or beneficiaries are provided an incentive to use the services of the licensee.

(g) Nothing contained in this Section prohibits the payment of rent or other remuneration paid at fair market value to an individual, partnership, or corporation by a licensee for the lease, rental, or use of space, staff, administrative services, or equipment owned or controlled by the individual, partnership, or corporation, or the receipt thereof by a licensee.

Section 99. Effective date. This Act takes effect upon becoming law.".

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 529. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Youth and Family, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 529 by replacing everything after the enacting clause with the following:

"Section 5. The Children and Family Services Act is amended by changing Section 5 as follows:

(20 ILCS 505/5) (from Ch. 23, par. 5005)

Sec. 5. Direct child welfare services; Department of Children and Family Services. To provide direct child welfare services when not available through other public or private child care or program facilities.

(a) For purposes of this Section:

(1) "Children" means persons found within the State who are under the age of 18 years.

The term also includes persons under age 19 who:

(A) were committed to the Department pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987, as amended, prior to the age of 18 and who continue under the jurisdiction of the court; or

(B) were accepted for care, service and training by the Department prior to the age of 18 and whose best interest in the discretion of the Department would be served by continuing that care, service and training because of severe emotional disturbances, physical disability, social adjustment or any combination thereof, or because of the need to complete an educational or

vocational training program.

(2) "Homeless youth" means persons found within the State who are under the age of 19, are not in a safe and stable living situation and cannot be reunited with their families.

(3) "Child welfare services" means public social services which are directed toward the accomplishment of the following purposes:

(A) protecting and promoting the health, safety and welfare of children, including homeless, dependent or neglected children;

(B) remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation or delinquency of children;

(C) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing the breakup of the family where the prevention of child removal is desirable and possible when the child can be cared for at home without endangering the child's health and safety;

(D) restoring to their families children who have been removed, by the provision of services to the child and the families when the child can be cared for at home without endangering the child's health and safety;

(E) placing children in suitable adoptive homes, in cases where restoration to the biological family is not safe, possible or appropriate;

(F) assuring safe and adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. At the time of placement, the Department shall consider concurrent planning, as described in subsection (l-1) of this Section so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child;

(G) (blank);

(H) (blank); and

(I) placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, in a licensed shelter facility, or secure child care facility. The Department is not required to place or maintain children:

(i) who are in a foster home, or

(ii) who are persons with a developmental disability, as defined in the Mental Health and Developmental Disabilities Code, or

(iii) who are female children who are pregnant, pregnant and parenting or parenting, or

(iv) who are siblings, in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age.

(b) Nothing in this Section shall be construed to authorize the expenditure of public funds for the purpose of performing abortions.

(c) The Department shall establish and maintain tax-supported child welfare services and extend and seek to improve voluntary services throughout the State, to the end that services and care shall be available on an equal basis throughout the State to children requiring such services.

(d) The Director may authorize advance disbursements for any new program initiative to any agency contracting with the Department. As a prerequisite for an advance disbursement, the contractor must post a surety bond in the amount of the advance disbursement and have a purchase of service contract approved by the Department. The Department may pay up to 2 months operational expenses in advance. The amount of the advance disbursement shall be prorated over the life of the contract or the remaining months of the fiscal year, whichever is less, and the installment amount shall then be deducted from future bills. Advance disbursement authorizations for new initiatives shall not be made to any agency after that agency has operated during 2 consecutive fiscal years. The requirements of this Section concerning advance disbursements shall not apply with respect to the following: payments to local public agencies for child day care services as authorized by Section 5a of this Act; and youth service programs receiving grant funds under Section 17a-4.

(e) (Blank).

(f) (Blank).

(g) The Department shall establish rules and regulations concerning its operation of programs designed

to meet the goals of child safety and protection, family preservation, family reunification, and adoption, including but not limited to:

(1) adoption;

(2) foster care;

(3) family counseling;

(4) protective services;

(5) (blank);

(6) homemaker service;

(7) return of runaway children;

(8) (blank);

(9) placement under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile Court Act of 1987 in accordance with the federal Adoption Assistance and Child Welfare Act of 1980; and

(10) interstate services.

Rules and regulations established by the Department shall include provisions for training Department staff and the staff of Department grantees, through contracts with other agencies or resources, in alcohol and drug abuse screening techniques approved by the Department of Human Services, as a successor to the Department of Alcoholism and Substance Abuse, for the purpose of identifying children and adults who should be referred to an alcohol and drug abuse treatment program for professional evaluation.

(h) If the Department finds that there is no appropriate program or facility within or available to the Department for a ward and that no licensed private facility has an adequate and appropriate program or none agrees to accept the ward, the Department shall create an appropriate individualized, program-oriented plan for such ward. The plan may be developed within the Department or through purchase of services by the Department to the extent that it is within its statutory authority to do.

(i) Service programs shall be available throughout the State and shall include but not be limited to the following services:

(1) case management;

(2) homemakers;

(3) counseling;

(4) parent education;

(5) day care; and

(6) emergency assistance and advocacy.

In addition, the following services may be made available to assess and meet the needs of children and families:

(1) comprehensive family-based services;

(2) assessments;

(3) respite care; and

(4) in-home health services.

The Department shall provide transportation for any of the services it makes available to children or families or for which it refers children or families.

(j) The Department may provide categories of financial assistance and education assistance grants, and shall establish rules and regulations concerning the assistance and grants, to persons who adopt physically or mentally handicapped, older and other hard-to-place children who (i) immediately prior to their adoption were legal wards of the Department or (ii) were determined eligible for financial assistance with respect to a prior adoption and who become available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died. The Department may continue to provide financial assistance and education assistance grants for a child who was determined eligible for financial assistance under this subsection (j) in the interim period beginning when the child's adoptive parents died and ending with the finalization of the new adoption of the child by another adoptive parent or parents. The Department may also provide categories of financial assistance and education assistance grants, and shall establish rules and regulations for the assistance and grants, to persons appointed guardian of the person under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile Court Act of 1987 for children who were wards of the Department for 12 months immediately prior to the appointment of the guardian.

The amount of assistance may vary, depending upon the needs of the child and the adoptive parents, as set forth in the annual assistance agreement. Special purpose grants are allowed where the child requires special service but such costs may not exceed the amounts which similar services would cost the

Department if it were to provide or secure them as guardian of the child.

Any financial assistance provided under this subsection is inalienable by assignment, sale, execution, attachment, garnishment, or any other remedy for recovery or collection of a judgment or debt.

(j-5) The Department shall not deny or delay the placement of a child for adoption if an approved family is available either outside of the Department region handling the case, or outside of the State of Illinois.

(k) The Department shall accept for care and training any child who has been adjudicated neglected or abused, or dependent committed to it pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987.

(l) The ~~Before July 1, 2000, the Department may provide, and beginning July 1, 2000, the~~ Department shall offer family preservation services, as defined in Section 8.2 of the Abused and Neglected Child Reporting Act, to help families, including adoptive and extended families. Family preservation services shall be offered (i) to prevent the placement of children in substitute care when the children can be cared for at home or in the custody of the person responsible for the children's welfare, (ii) to reunite children with their families, or (iii) to maintain an adoptive placement. Family preservation services shall only be offered when doing so will not endanger the children's health or safety. With respect to children who are in substitute care pursuant to the Juvenile Court Act of 1987, family preservation services shall not be offered if a goal other than those of subdivisions (A), (B), or (B-1) of subsection (2) of Section 2-28 of that Act has been set. Nothing in this paragraph shall be construed to create a private right of action or claim on the part of any individual or child welfare agency , except that when a child is the subject of an action under Article II of the Juvenile Court Act of 1987 and the child's service plan calls for services to facilitate achievement of the permanency goal, the court hearing the action under Article II of the Juvenile Court Act of 1987 may order the Department to provide the services set out in the plan, if those services are not provided with reasonable promptness and if those services are available.

The Department shall notify the child and his family of the Department's responsibility to offer and provide family preservation services as identified in the service plan. The child and his family shall be eligible for services as soon as the report is determined to be "indicated". The Department may offer services to any child or family with respect to whom a report of suspected child abuse or neglect has been filed, prior to concluding its investigation under Section 7.12 of the Abused and Neglected Child Reporting Act. However, the child's or family's willingness to accept services shall not be considered in the investigation. The Department may also provide services to any child or family who is the subject of any report of suspected child abuse or neglect or may refer such child or family to services available from other agencies in the community, even if the report is determined to be unfounded, if the conditions in the child's or family's home are reasonably likely to subject the child or family to future reports of suspected child abuse or neglect. Acceptance of such services shall be voluntary.

The Department may, at its discretion except for those children also adjudicated neglected or dependent, accept for care and training any child who has been adjudicated addicted, as a truant minor in need of supervision or as a minor requiring authoritative intervention, under the Juvenile Court Act or the Juvenile Court Act of 1987, but no such child shall be committed to the Department by any court without the approval of the Department. A minor charged with a criminal offense under the Criminal Code of 1961 or adjudicated delinquent shall not be placed in the custody of or committed to the Department by any court, except a minor less than 15 years of age committed to the Department under Section 5-710 of the Juvenile Court Act of 1987 or a minor for whom an independent basis of abuse, neglect, or dependency exists, which must be defined by departmental rule. An independent basis exists when the allegations or adjudication of abuse, neglect, or dependency do not arise from the same facts, incident, or circumstances which give rise to a charge or adjudication of delinquency.

(l-1) The legislature recognizes that the best interests of the child require that the child be placed in the most permanent living arrangement as soon as is practically possible. To achieve this goal, the legislature directs the Department of Children and Family Services to conduct concurrent planning so that permanency may occur at the earliest opportunity. Permanent living arrangements may include prevention of placement of a child outside the home of the family when the child can be cared for at home without endangering the child's health or safety; reunification with the family, when safe and appropriate, if temporary placement is necessary; or movement of the child toward the most permanent living arrangement and permanent legal status.

When determining reasonable efforts to be made with respect to a child, as described in this subsection, and in making such reasonable efforts, the child's health and safety shall be the paramount concern.

When a child is placed in foster care, the Department shall ensure and document that reasonable efforts were made to prevent or eliminate the need to remove the child from the child's home. The Department must make reasonable efforts to reunify the family when temporary placement of the child occurs unless

otherwise required, pursuant to the Juvenile Court Act of 1987. At any time after the dispositional hearing where the Department believes that further reunification services would be ineffective, it may request a finding from the court that reasonable efforts are no longer appropriate. The Department is not required to provide further reunification services after such a finding.

A decision to place a child in substitute care shall be made with considerations of the child's health, safety, and best interests. At the time of placement, consideration should also be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child.

The Department shall adopt rules addressing concurrent planning for reunification and permanency. The Department shall consider the following factors when determining appropriateness of concurrent planning:

(1) the likelihood of prompt reunification;

(2) the past history of the family;

(3) the barriers to reunification being addressed by the family;

(4) the level of cooperation of the family;

(5) the foster parents' willingness to work with the family to reunite;

(6) the willingness and ability of the foster family to provide an adoptive home or long-term placement;

(7) the age of the child;

(8) placement of siblings.

(m) The Department may assume temporary custody of any child if:

(1) it has received a written consent to such temporary custody signed by the parents of the child or by the parent having custody of the child if the parents are not living together or by the guardian or custodian of the child if the child is not in the custody of either parent, or

(2) the child is found in the State and neither a parent, guardian nor custodian of the child can be located.

If the child is found in his or her residence without a parent, guardian, custodian or responsible caretaker, the Department may, instead of removing the child and assuming temporary custody, place an authorized representative of the Department in that residence until such time as a parent, guardian or custodian enters the home and expresses a willingness and apparent ability to ensure the child's health and safety and resume permanent charge of the child, or until a relative enters the home and is willing and able to ensure the child's health and safety and assume charge of the child until a parent, guardian or custodian enters the home and expresses such willingness and ability to ensure the child's safety and resume permanent charge. After a caretaker has remained in the home for a period not to exceed 12 hours, the Department must follow those procedures outlined in Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of 1987.

The Department shall have the authority, responsibilities and duties that a legal custodian of the child would have pursuant to subsection (9) of Section 1-3 of the Juvenile Court Act of 1987. Whenever a child is taken into temporary custody pursuant to an investigation under the Abused and Neglected Child Reporting Act, or pursuant to a referral and acceptance under the Juvenile Court Act of 1987 of a minor in limited custody, the Department, during the period of temporary custody and before the child is brought before a judicial officer as required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of 1987, shall have the authority, responsibilities and duties that a legal custodian of the child would have under subsection (9) of Section 1-3 of the Juvenile Court Act of 1987.

The Department shall ensure that any child taken into custody is scheduled for an appointment for a medical examination.

A parent, guardian or custodian of a child in the temporary custody of the Department who would have custody of the child if he were not in the temporary custody of the Department may deliver to the Department a signed request that the Department surrender the temporary custody of the child. The Department may retain temporary custody of the child for 10 days after the receipt of the request, during which period the Department may cause to be filed a petition pursuant to the Juvenile Court Act of 1987. If a petition is so filed, the Department shall retain temporary custody of the child until the court orders otherwise. If a petition is not filed within the 10 day period, the child shall be surrendered to the custody of the requesting parent, guardian or custodian not later than the expiration of the 10 day period, at which time the authority and duties of the Department with respect to the temporary custody of the child shall terminate.

(m-1) The Department may place children under 18 years of age in a secure child care facility licensed by the Department that cares for children who are in need of secure living arrangements for their health, safety, and well-being after a determination is made by the facility director and the Director or the

Director's designate prior to admission to the facility subject to Section 2-27.1 of the Juvenile Court Act of 1987. This subsection (m-1) does not apply to a child who is subject to placement in a correctional facility operated pursuant to Section 3-15-2 of the Unified Code of Corrections, unless the child is a ward who was placed under the care of the Department before being subject to placement in a correctional facility and a court of competent jurisdiction has ordered placement of the child in a secure care facility.

(n) The Department may place children under 18 years of age in licensed child care facilities when in the opinion of the Department, appropriate services aimed at family preservation have been unsuccessful and cannot ensure the child's health and safety or are unavailable and such placement would be for their best interest. Payment for board, clothing, care, training and supervision of any child placed in a licensed child care facility may be made by the Department, by the parents or guardians of the estates of those children, or by both the Department and the parents or guardians, except that no payments shall be made by the Department for any child placed in a licensed child care facility for board, clothing, care, training and supervision of such a child that exceed the average per capita cost of maintaining and of caring for a child in institutions for dependent or neglected children operated by the Department. However, such restriction on payments does not apply in cases where children require specialized care and treatment for problems of severe emotional disturbance, physical disability, social adjustment, or any combination thereof and suitable facilities for the placement of such children are not available at payment rates within the limitations set forth in this Section. All reimbursements for services delivered shall be absolutely inalienable by assignment, sale, attachment, garnishment or otherwise.

(o) The Department shall establish an administrative review and appeal process for children and families who request or receive child welfare services from the Department. Children who are wards of the Department and are placed by private child welfare agencies, and foster families with whom those children are placed, shall be afforded the same procedural and appeal rights as children and families in the case of placement by the Department, including the right to an initial review of a private agency decision by that agency. The Department shall insure that any private child welfare agency, which accepts wards of the Department for placement, affords those rights to children and foster families. The Department shall accept for administrative review and an appeal hearing a complaint made by (i) a child or foster family concerning a decision following an initial review by a private child welfare agency or (ii) a prospective adoptive parent who alleges a violation of subsection (j-5) of this Section. An appeal of a decision concerning a change in the placement of a child shall be conducted in an expedited manner.

(p) There is hereby created the Department of Children and Family Services Emergency Assistance Fund from which the Department may provide special financial assistance to families which are in economic crisis when such assistance is not available through other public or private sources and the assistance is deemed necessary to prevent dissolution of the family unit or to reunite families which have been separated due to child abuse and neglect. The Department shall establish administrative rules specifying the criteria for determining eligibility for and the amount and nature of assistance to be provided. The Department may also enter into written agreements with private and public social service agencies to provide emergency financial services to families referred by the Department. Special financial assistance payments shall be available to a family no more than once during each fiscal year and the total payments to a family may not exceed $500 during a fiscal year.

(q) The Department may receive and use, in their entirety, for the benefit of children any gift, donation or bequest of money or other property which is received on behalf of such children, or any financial benefits to which such children are or may become entitled while under the jurisdiction or care of the Department.

The Department shall set up and administer no-cost, interest-bearing accounts in appropriate financial institutions for children for whom the Department is legally responsible and who have been determined eligible for Veterans' Benefits, Social Security benefits, assistance allotments from the armed forces, court ordered payments, parental voluntary payments, Supplemental Security Income, Railroad Retirement payments, Black Lung benefits, or other miscellaneous payments. Interest earned by each account shall be credited to the account, unless disbursed in accordance with this subsection.

In disbursing funds from children's accounts, the Department shall:

(1) Establish standards in accordance with State and federal laws for disbursing money from children's accounts. In all circumstances, the Department's "Guardianship Administrator" or his or her designee must approve disbursements from children's accounts. The Department shall be responsible for keeping complete records of all disbursements for each account for any purpose.

(2) Calculate on a monthly basis the amounts paid from State funds for the child's board and care, medical care not covered under Medicaid, and social services; and utilize funds from the child's account, as covered by regulation, to reimburse those costs. Monthly, disbursements from all

children's accounts, up to 1/12 of $13,000,000, shall be deposited by the Department into the General Revenue Fund and the balance over 1/12 of $13,000,000 into the DCFS Children's Services Fund.

(3) Maintain any balance remaining after reimbursing for the child's costs of care, as specified in item (2). The balance shall accumulate in accordance with relevant State and federal laws and shall be disbursed to the child or his or her guardian, or to the issuing agency.

(r) The Department shall promulgate regulations encouraging all adoption agencies to voluntarily forward to the Department or its agent names and addresses of all persons who have applied for and have been approved for adoption of a hard-to-place or handicapped child and the names of such children who have not been placed for adoption. A list of such names and addresses shall be maintained by the Department or its agent, and coded lists which maintain the confidentiality of the person seeking to adopt the child and of the child shall be made available, without charge, to every adoption agency in the State to assist the agencies in placing such children for adoption. The Department may delegate to an agent its duty to maintain and make available such lists. The Department shall ensure that such agent maintains the confidentiality of the person seeking to adopt the child and of the child.

(s) The Department of Children and Family Services may establish and implement a program to reimburse Department and private child welfare agency foster parents licensed by the Department of Children and Family Services for damages sustained by the foster parents as a result of the malicious or negligent acts of foster children, as well as providing third party coverage for such foster parents with regard to actions of foster children to other individuals. Such coverage will be secondary to the foster parent liability insurance policy, if applicable. The program shall be funded through appropriations from the General Revenue Fund, specifically designated for such purposes.

(t) The Department shall perform home studies and investigations and shall exercise supervision over visitation as ordered by a court pursuant to the Illinois Marriage and Dissolution of Marriage Act or the Adoption Act only if:

(1) an order entered by an Illinois court specifically directs the Department to perform such services; and

(2) the court has ordered one or both of the parties to the proceeding to reimburse the Department for its reasonable costs for providing such services in accordance with Department rules, or has determined that neither party is financially able to pay.

The Department shall provide written notification to the court of the specific arrangements for supervised visitation and projected monthly costs within 60 days of the court order. The Department shall send to the court information related to the costs incurred except in cases where the court has determined the parties are financially unable to pay. The court may order additional periodic reports as appropriate.

(u) In addition to other information that must be provided, whenever the Department places a child with a prospective adoptive parent or parents or in a licensed foster home, group home, child care institution, or in a relative home, the Department shall provide to the prospective adoptive parent or parents or other caretaker:

(1) available detailed information concerning the child's educational and health history, copies of immunization records (including insurance and medical card information), a history of the child's previous placements, if any, and reasons for placement changes excluding any information that identifies or reveals the location of any previous caretaker;

(2) a copy of the child's portion of the client service plan, including any visitation arrangement, and all amendments or revisions to it as related to the child; and

(3) information containing details of the child's individualized educational plan when the child is receiving special education services.

The caretaker shall be informed of any known social or behavioral information (including, but not limited to, criminal background, fire setting, perpetuation of sexual abuse, destructive behavior, and substance abuse) necessary to care for and safeguard the children to be placed or currently in the home. The Department may prepare a written summary of the information required by this paragraph, which may be provided to the foster or prospective adoptive parent in advance of a placement. The foster or prospective adoptive parent may review the supporting documents in the child's file in the presence of casework staff. In the case of an emergency placement, casework staff shall at least provide known information verbally, if necessary, and must subsequently provide the information in writing as required by this subsection.

The information described in this subsection shall be provided in writing. In the case of emergency placements when time does not allow prior review, preparation, and collection of written information, the Department shall provide such information as it becomes available. Within 10 business days after placement, the Department shall obtain from the prospective adoptive parent or parents or other caretaker a

signed verification of receipt of the information provided. Within 10 business days after placement, the Department shall provide to the child's guardian ad litem a copy of the information provided to the prospective adoptive parent or parents or other caretaker. The information provided to the prospective adoptive parent or parents or other caretaker shall be reviewed and approved regarding accuracy at the supervisory level.

(u-5) Effective July 1, 1995, only foster care placements licensed as foster family homes pursuant to the Child Care Act of 1969 shall be eligible to receive foster care payments from the Department. Relative caregivers who, as of July 1, 1995, were approved pursuant to approved relative placement rules previously promulgated by the Department at 89 Ill. Adm. Code 335 and had submitted an application for licensure as a foster family home may continue to receive foster care payments only until the Department determines that they may be licensed as a foster family home or that their application for licensure is denied or until September 30, 1995, whichever occurs first.

(v) The Department shall access criminal history record information as defined in the Illinois Uniform Conviction Information Act and information maintained in the adjudicatory and dispositional record system as defined in Section 2605-355 of the Department of State Police Law (20 ILCS 2605/2605-355) if the Department determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act. The Department shall provide for interactive computerized communication and processing equipment that permits direct on-line communication with the Department of State Police's central criminal history data repository. The Department shall comply with all certification requirements and provide certified operators who have been trained by personnel from the Department of State Police. In addition, one Office of the Inspector General investigator shall have training in the use of the criminal history information access system and have access to the terminal. The Department of Children and Family Services and its employees shall abide by rules and regulations established by the Department of State Police relating to the access and dissemination of this information.

(v-1) Prior to final approval for placement of a child, the Department shall conduct a criminal records background check of the prospective foster or adoptive parent, including fingerprint-based checks of national crime information databases. Final approval for placement shall not be granted if the record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children, or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery, or if there is a felony conviction for physical assault, battery, or a drug-related offense committed within the past 5 years.

(v-2) Prior to final approval for placement of a child, the Department shall check its child abuse and neglect registry for information concerning prospective foster and adoptive parents, and any adult living in the home. If any prospective foster or adoptive parent or other adult living in the home has resided in another state in the preceding 5 years, the Department shall request a check of that other state's child abuse and neglect registry.

(w) Within 120 days of August 20, 1995 (the effective date of Public Act 89-392), the Department shall prepare and submit to the Governor and the General Assembly, a written plan for the development of in-state licensed secure child care facilities that care for children who are in need of secure living arrangements for their health, safety, and well-being. For purposes of this subsection, secure care facility shall mean a facility that is designed and operated to ensure that all entrances and exits from the facility, a building or a distinct part of the building, are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within the perimeter of the facility, building, or distinct part of the building. The plan shall include descriptions of the types of facilities that are needed in Illinois; the cost of developing these secure care facilities; the estimated number of placements; the potential cost savings resulting from the movement of children currently out-of-state who are projected to be returned to Illinois; the necessary geographic distribution of these facilities in Illinois; and a proposed timetable for development of such facilities.

(Source: P.A. 94-215, eff. 1-1-06; 94-1010, eff. 10-1-06; 95-10, eff. 6-30-07; 95-601, eff. 9-11-07; 95-642, eff. 6-1-08; 95-876, eff. 8-21-08.)

Section 10. The Abused and Neglected Child Reporting Act is amended by changing Section 8.2 as follows:

(325 ILCS 5/8.2) (from Ch. 23, par. 2058.2)

Sec. 8.2. If the Child Protective Service Unit determines, following an investigation made pursuant to Section 7.4 of this Act, that there is credible evidence that the child is abused or neglected, the Department shall assess the family's need for services, and, as necessary, develop, with the family, an appropriate

service plan for the family's voluntary acceptance or refusal. In any case where there is evidence that the perpetrator of the abuse or neglect is an addict or alcoholic as defined in the Alcoholism and Other Drug Abuse and Dependency Act, the Department, when making referrals for drug or alcohol abuse services, shall make such referrals to facilities licensed by the Department of Human Services or the Department of Public Health. The Department shall comply with Section 8.1 by explaining its lack of legal authority to compel the acceptance of services and may explain its concomitant authority to petition the Circuit court under the Juvenile Court Act of 1987 or refer the case to the local law enforcement authority or State's attorney for criminal prosecution.

For purposes of this Act, the term "family preservation services" refers to all services to help families, including adoptive and extended families. Family preservation services shall be offered, where safe and appropriate, to prevent the placement of children in substitute care when the children can be cared for at home or in the custody of the person responsible for the children's welfare without endangering the children's health or safety, to reunite them with their families if so placed when reunification is an appropriate goal, or to maintain an adoptive placement. The term "homemaker" includes emergency caretakers, homemakers, caretakers, housekeepers and chore services. The term "counseling" includes individual therapy, infant stimulation therapy, family therapy, group therapy, self-help groups, drug and alcohol abuse counseling, vocational counseling and post-adoptive services. The term "day care" includes protective day care and day care to meet educational, prevocational or vocational needs. The term "emergency assistance and advocacy" includes coordinated services to secure emergency cash, food, housing and medical assistance or advocacy for other subsistence and family protective needs.

Before July 1, 2000, appropriate family preservation services shall, subject to appropriation, be included in the service plan if the Department has determined that those services will ensure the child's health and safety, are in the child's best interests, and will not place the child in imminent risk of harm. Beginning July 1, 2000, appropriate family preservation services shall be uniformly available throughout the State. The Department shall promptly notify children and families of the Department's responsibility to offer and provide family preservation services as identified in the service plan. Such plans may include but are not limited to: case management services; homemakers; counseling; parent education; day care; emergency assistance and advocacy assessments; respite care; in-home health care; transportation to obtain any of the above services; and medical assistance. Nothing in this paragraph shall be construed to create a private right of action or claim on the part of any individual or child welfare agency, except that when a child is the subject of an action under Article II of the Juvenile Court Act of 1987 and the child's service plan calls for services to facilitate achievement of the permanency goal, the court hearing the action under Article II of the Juvenile Court Act of 1987 may order the Department to provide the services set out in the plan, if those services are not provided with reasonable promptness and if those services are available.

The Department shall provide a preliminary report to the General Assembly no later than January 1, 1991, in regard to the provision of services authorized pursuant to this Section. The report shall include:

(a) the number of families and children served, by type of services;

(b) the outcome from the provision of such services, including the number of families which remained intact at least 6 months following the termination of services;

(c) the number of families which have been subjects of founded reports of abuse following the termination of services;

(d) an analysis of general family circumstances in which family preservation services have been determined to be an effective intervention;

(e) information regarding the number of families in need of services but unserved due to budget or program criteria guidelines;

(f) an estimate of the time necessary for and the annual cost of statewide implementation of such services;

(g) an estimate of the length of time before expansion of these services will be made to include families with children over the age of 6; and

(h) recommendations regarding any proposed legislative changes to this program.

Each Department field office shall maintain on a local basis directories of services available to children and families in the local area where the Department office is located.

The Department shall refer children and families served pursuant to this Section to private agencies and governmental agencies, where available.

Where there are 2 equal proposals from both a not-for-profit and a for-profit agency to provide services, the Department shall give preference to the proposal from the not-for-profit agency.

No service plan shall compel any child or parent to engage in any activity or refrain from any activity

which is not reasonably related to remedying a condition or conditions that gave rise or which could give rise to any finding of child abuse or neglect.

(Source: P.A. 89-21, eff. 6-6-95; 89-507, eff. 7-1-97; 90-14, eff. 7-1-97; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98.)

Section 15. The Juvenile Court Act of 1987 is amended by changing Sections 2-23 and 2-28 as follows:

(705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

Sec. 2-23. Kinds of dispositional orders.

(1) The following kinds of orders of disposition may be made in respect of wards of the court:

(a) A minor under 18 years of age found to be neglected or abused under Section 2-3 or dependent under Section 2-4 may be (1) continued in the custody of his or her parents, guardian or legal custodian; (2) placed in accordance with Section 2-27; (3) restored to the custody of the parent, parents, guardian, or legal custodian, provided the court shall order the parent, parents, guardian, or legal custodian to cooperate with the Department of Children and Family Services and comply with the terms of an after-care plan or risk the loss of custody of the child and the possible termination of their parental rights; or (4) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Minors Act.

However, in any case in which a minor is found by the court to be neglected or abused under Section 2-3 of this Act, custody of the minor shall not be restored to any parent, guardian or legal custodian whose acts or omissions or both have been identified, pursuant to subsection (1) of Section 2-21, as forming the basis for the court's finding of abuse or neglect, until such time as a hearing is held on the issue of the best interests of the minor and the fitness of such parent, guardian or legal custodian to care for the minor without endangering the minor's health or safety, and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor.

(b) A minor under 18 years of age found to be dependent under Section 2-4 may be (1) placed in accordance with Section 2-27 or (2) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Minors Act.

However, in any case in which a minor is found by the court to be dependent under Section 2-4 of this Act, custody of the minor shall not be restored to any parent, guardian or legal custodian whose acts or omissions or both have been identified, pursuant to subsection (1) of Section 2-21, as forming the basis for the court's finding of dependency, until such time as a hearing is held on the issue of the fitness of such parent, guardian or legal custodian to care for the minor without endangering the minor's health or safety, and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor.

(c) When the court awards guardianship to the Department of Children and Family Services, the court shall order the parents to cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions that require the child to be in care, or risk termination of their parental rights.

(2) Any order of disposition may provide for protective supervision under Section 2-24 and may include an order of protection under Section 2-25.

Unless the order of disposition expressly so provides, it does not operate to close proceedings on the pending petition, but is subject to modification, not inconsistent with Section 2-28, until final closing and discharge of the proceedings under Section 2-31.

(3) The court also shall enter any other orders necessary to fulfill the service plan, including, but not limited to, (i) orders requiring parties to cooperate with services, (ii) restraining orders controlling the conduct of any party likely to frustrate the achievement of the goal, and (iii) visiting orders. Unless otherwise specifically authorized by law, the court is not empowered under this subsection (3) to order specific placements, specific services, or specific service providers to be included in the plan. <u>If, after receiving evidence, the court determines that the services contained in the plan are not reasonably calculated to facilitate achievement of the permanency goal, the court shall put in writing the factual basis supporting the determination and enter specific findings based on the evidence. The court also shall enter an order for the Department to develop and implement a new service plan or to implement changes to the current service plan consistent with the court's findings. The new service plan shall be filed with the court and served on all parties within 45 days after the date of the order. The court shall continue the matter until the new service plan is filed. Unless otherwise specifically authorized by law, the court is not empowered under this subsection (3) or under subsection (2) to order specific placements, specific services, or specific service providers to be included in the plan.</u> ~~If the court concludes that the Department of Children and Family Services has abused its discretion in setting the current service plan or permanency goal for the~~

~~minor, the court shall enter specific findings in writing based on the evidence and shall enter an order for the Department to develop and implement a new permanency goal and service plan consistent with the court's findings. The new service plan shall be filed with the court and served on all parties. The court shall continue the matter until the new service plan is filed.~~

(4) In addition to any other order of disposition, the court may order any minor adjudicated neglected with respect to his or her own injurious behavior to make restitution, in monetary or non-monetary form, under the terms and conditions of Section 5-5-6 of the Unified Code of Corrections, except that the "presentence hearing" referred to therein shall be the dispositional hearing for purposes of this Section. The parent, guardian or legal custodian of the minor may pay some or all of such restitution on the minor's behalf.

(5) Any order for disposition where the minor is committed or placed in accordance with Section 2-27 shall provide for the parents or guardian of the estate of such minor to pay to the legal custodian or guardian of the person of the minor such sums as are determined by the custodian or guardian of the person of the minor as necessary for the minor's needs. Such payments may not exceed the maximum amounts provided for by Section 9.1 of the Children and Family Services Act.

(6) Whenever the order of disposition requires the minor to attend school or participate in a program of training, the truant officer or designated school official shall regularly report to the court if the minor is a chronic or habitual truant under Section 26-2a of the School Code.

(7) The court may terminate the parental rights of a parent at the initial dispositional hearing if all of the conditions in subsection (5) of Section 2-21 are met.

(Source: P.A. 95-331, eff. 8-21-07.)

(705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

Sec. 2-28. Court review.

(1) The court may require any legal custodian or guardian of the person appointed under this Act to report periodically to the court or may cite him into court and require him or his agency, to make a full and accurate report of his or its doings in behalf of the minor. The custodian or guardian, within 10 days after such citation, shall make the report, either in writing verified by affidavit or orally under oath in open court, or otherwise as the court directs. Upon the hearing of the report the court may remove the custodian or guardian and appoint another in his stead or restore the minor to the custody of his parents or former guardian or custodian. However, custody of the minor shall not be restored to any parent, guardian or legal custodian in any case in which the minor is found to be neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering the minor's health or safety and it is in the best interests of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions or both of such parent, guardian or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of the fitness of such parent, guardian or legal custodian to care for the minor and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor.

(2) The first permanency hearing shall be conducted by the judge. Subsequent permanency hearings may be heard by a judge or by hearing officers appointed or approved by the court in the manner set forth in Section 2-28.1 of this Act. The initial hearing shall be held (a) within 12 months from the date temporary custody was taken, (b) if the parental rights of both parents have been terminated in accordance with the procedure described in subsection (5) of Section 2-21, within 30 days of the order for termination of parental rights and appointment of a guardian with power to consent to adoption, or (c) in accordance with subsection (2) of Section 2-13.1. Subsequent permanency hearings shall be held every 6 months or more frequently if necessary in the court's determination following the initial permanency hearing, in accordance with the standards set forth in this Section, until the court determines that the plan and goal have been achieved. Once the plan and goal have been achieved, if the minor remains in substitute care, the case shall be reviewed at least every 6 months thereafter, subject to the provisions of this Section, unless the minor is placed in the guardianship of a suitable relative or other person and the court determines that further monitoring by the court does not further the health, safety or best interest of the child and that this is a stable permanent placement. The permanency hearings must occur within the time frames set forth in this subsection and may not be delayed in anticipation of a report from any source or due to the agency's failure to timely file its written report (this written report means the one required under the next paragraph and does not mean the service plan also referred to in that paragraph).

The public agency that is the custodian or guardian of the minor, or another agency responsible for the minor's care, shall ensure that all parties to the permanency hearings are provided a copy of the most recent

service plan prepared within the prior 6 months at least 14 days in advance of the hearing. If not contained in the plan, the agency shall also include a report setting forth (i) any special physical, psychological, educational, medical, emotional, or other needs of the minor or his or her family that are relevant to a permanency or placement determination and (ii) for any minor age 16 or over, a written description of the programs and services that will enable the minor to prepare for independent living. The agency's written report must detail what progress or lack of progress the parent has made in correcting the conditions requiring the child to be in care; whether the child can be returned home without jeopardizing the child's health, safety, and welfare, and if not, what permanency goal is recommended to be in the best interests of the child, and why the other permanency goals are not appropriate. The caseworker must appear and testify at the permanency hearing. If a permanency hearing has not previously been scheduled by the court, the moving party shall move for the setting of a permanency hearing and the entry of an order within the time frames set forth in this subsection.

At the permanency hearing, the court shall determine the future status of the child. The court shall set one of the following permanency goals:

(A) The minor will be returned home by a specific date within 5 months.

(B) The minor will be in short-term care with a continued goal to return home within a period not to exceed one year, where the progress of the parent or parents is substantial giving particular consideration to the age and individual needs of the minor.

(B-1) The minor will be in short-term care with a continued goal to return home pending a status hearing. When the court finds that a parent has not made reasonable efforts or reasonable progress to date, the court shall identify what actions the parent and the Department must take in order to justify a finding of reasonable efforts or reasonable progress and shall set a status hearing to be held not earlier than 9 months from the date of adjudication nor later than 11 months from the date of adjudication during which the parent's progress will again be reviewed.

(C) The minor will be in substitute care pending court determination on termination of parental rights.

(D) Adoption, provided that parental rights have been terminated or relinquished.

(E) The guardianship of the minor will be transferred to an individual or couple on a permanent basis provided that goals (A) through (D) have been ruled out.

(F) The minor over age 15 will be in substitute care pending independence.

(G) The minor will be in substitute care because he or she cannot be provided for in a home environment due to developmental disabilities or mental illness or because he or she is a danger to self or others, provided that goals (A) through (D) have been ruled out.

In selecting any permanency goal, the court shall indicate in writing the reasons the goal was selected and why the preceding goals were ruled out. Where the court has selected a permanency goal other than (A), (B), or (B-1), the Department of Children and Family Services shall not provide further reunification services, but shall provide services consistent with the goal selected.

(H) Notwithstanding any other provision in this Section, the court may select the goal of continuing foster care as a permanency goal if:

(1) The Department of Children and Family Services has custody and guardianship of the minor;

(2) The court has ruled out all other permanency goals based on the child's best interest;

(3) The court has found compelling reasons, based on written documentation reviewed by the court, to place the minor in continuing foster care. Compelling reasons include:

(a) the child does not wish to be adopted or to be placed in the guardianship of his or her relative or foster care placement;

(b) the child exhibits an extreme level of need such that the removal of the child from his or her placement would be detrimental to the child; or

(c) the child who is the subject of the permanency hearing has existing close and strong bonds with a sibling, and achievement of another permanency goal would substantially interfere with the subject child's sibling relationship, taking into consideration the nature and extent of the relationship, and whether ongoing contact is in the subject child's best interest, including long-term emotional interest, as compared with the legal and emotional benefit of permanence;

(4) The child has lived with the relative or foster parent for at least one year; and

(5) The relative or foster parent currently caring for the child is willing and capable of providing the child with a stable and permanent environment.

The court shall set a permanency goal that is in the best interest of the child. In determining that goal, the court shall consult with the minor in an age-appropriate manner regarding the proposed permanency or

transition plan for the minor. The court's determination shall include the following factors:

(1) Age of the child.

(2) Options available for permanence, including both out-of-State and in-State placement options.

(3) Current placement of the child and the intent of the family regarding adoption.

(4) Emotional, physical, and mental status or condition of the child.

(5) Types of services previously offered and whether or not the services were successful and, if not successful, the reasons the services failed.

(6) Availability of services currently needed and whether the services exist.

(7) Status of siblings of the minor.

The court shall consider (i) the permanency goal contained in the service plan, (ii) the appropriateness of the services contained in the plan and whether those services have been provided, (iii) whether reasonable efforts have been made by all the parties to the service plan to achieve the goal, and (iv) whether the plan and goal have been achieved. All evidence relevant to determining these questions, including oral and written reports, may be admitted and may be relied on to the extent of their probative value.

The court shall make findings as to whether, in violation of Section 8.2 of the Abused and Neglected Child Reporting Act, any portion of the service plan compels a child or parent to engage in any activity or refrain from any activity that is not reasonably related to remedying a condition or conditions that gave rise or which could give rise to any finding of child abuse or neglect.

If the permanency goal is to return home, the court shall make findings that identify any problems that are causing continued placement of the children away from the home and identify what outcomes would be considered a resolution to these problems. The court shall explain to the parents that these findings are based on the information that the court has at that time and may be revised, should additional evidence be presented to the court.

If the goal has been achieved, the court shall enter orders that are necessary to conform the minor's legal custody and status to those findings.

If, after receiving evidence, the court determines that the services contained in the plan are not reasonably calculated to facilitate achievement of the permanency goal, the court shall put in writing the factual basis supporting the determination and enter specific findings based on the evidence. The court also shall enter an order for the Department to develop and implement a new service plan or to implement changes to the current service plan consistent with the court's findings. The new service plan shall be filed with the court and served on all parties within 45 days of the date of the order. The court shall continue the matter until the new service plan is filed. Unless otherwise specifically authorized by law, the court is not empowered under this subsection (2) or under subsection (3) to order specific placements, specific services, or specific service providers to be included in the plan.

A guardian or custodian appointed by the court pursuant to this Act shall file updated case plans with the court every 6 months.

Rights of wards of the court under this Act are enforceable against any public agency by complaints for relief by mandamus filed in any proceedings brought under this Act.

(3) Following the permanency hearing, the court shall enter a written order that includes the determinations required under subsection (2) of this Section and sets forth the following:

(a) The future status of the minor, including the permanency goal, and any order necessary to conform the minor's legal custody and status to such determination; or

(b) If the permanency goal of the minor cannot be achieved immediately, the specific reasons for continuing the minor in the care of the Department of Children and Family Services or other agency for short term placement, and the following determinations:

(i) (Blank).

(ii) Whether the services required by the court and by any service plan prepared within the prior 6 months have been provided and (A) if so, whether the services were reasonably calculated to facilitate the achievement of the permanency goal or (B) if not provided, why the services were not provided.

(iii) Whether the minor's placement is necessary, and appropriate to the plan and goal, recognizing the right of minors to the least restrictive (most family-like) setting available and in close proximity to the parents' home consistent with the health, safety, best interest and special needs of the minor and, if the minor is placed out-of-State, whether the out-of-State placement continues to be appropriate and consistent with the health, safety, and best interest of the minor.

(iv) (Blank).

(v) (Blank).

(4) The minor or any person interested in the minor may apply to the court for a change in custody of the minor and the appointment of a new custodian or guardian of the person or for the restoration of the minor to the custody of his parents or former guardian or custodian.

When return home is not selected as the permanency goal:

(a) The Department, the minor, or the current foster parent or relative caregiver seeking private guardianship may file a motion for private guardianship of the minor. Appointment of a guardian under this Section requires approval of the court.

(b) The State's Attorney may file a motion to terminate parental rights of any parent who has failed to make reasonable efforts to correct the conditions which led to the removal of the child or reasonable progress toward the return of the child, as defined in subdivision (D)(m) of Section 1 of the Adoption Act or for whom any other unfitness ground for terminating parental rights as defined in subdivision (D) of Section 1 of the Adoption Act exists.

Custody of the minor shall not be restored to any parent, guardian or legal custodian in any case in which the minor is found to be neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering his or her health or safety and it is in the best interest of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions or both of such parent, guardian or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of the health, safety and best interest of the minor and the fitness of such parent, guardian or legal custodian to care for the minor and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor. In the event that the minor has attained 18 years of age and the guardian or custodian petitions the court for an order terminating his guardianship or custody, guardianship or custody shall terminate automatically 30 days after the receipt of the petition unless the court orders otherwise. No legal custodian or guardian of the person may be removed without his consent until given notice and an opportunity to be heard by the court.

When the court orders a child restored to the custody of the parent or parents, the court shall order the parent or parents to cooperate with the Department of Children and Family Services and comply with the terms of an after-care plan, or risk the loss of custody of the child and possible termination of their parental rights. The court may also enter an order of protective supervision in accordance with Section 2-24.

(5) Whenever a parent, guardian, or legal custodian files a motion for restoration of custody of the minor, and the minor was adjudicated neglected, abused, or dependent as a result of physical abuse, the court shall cause to be made an investigation as to whether the movant has ever been charged with or convicted of any criminal offense which would indicate the likelihood of any further physical abuse to the minor. Evidence of such criminal convictions shall be taken into account in determining whether the minor can be cared for at home without endangering his or her health or safety and fitness of the parent, guardian, or legal custodian.

(a) Any agency of this State or any subdivision thereof shall co-operate with the agent of the court in providing any information sought in the investigation.

(b) The information derived from the investigation and any conclusions or recommendations derived from the information shall be provided to the parent, guardian, or legal custodian seeking restoration of custody prior to the hearing on fitness and the movant shall have an opportunity at the hearing to refute the information or contest its significance.

(c) All information obtained from any investigation shall be confidential as provided in Section 5-150 of this Act.

(Source: P.A. 95-10, eff. 6-30-07; 95-182, eff. 8-14-07; 95-876, eff. 8-21-08.)

Section 99. Effective date. This Act takes effect upon becoming law.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been read by title a second time on March 30, 2009 and held, the following bills were taken up and advanced to the order of Third Reading: HOUSE BILLS 849, 852, 1034 and 1150.

HOUSE BILL 1188. Having been read by title a second time on March 23, 2009, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Human Services, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 1188 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 5-5.4 as follows:

(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

Sec. 5-5.4. Standards of Payment - Department of Healthcare and Family Services. The Department of Healthcare and Family Services shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

(1) Provide for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities, Long Term Care for Under Age 22 facilities, Skilled Nursing facilities, or Intermediate Care facilities under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. No rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, 2009, unless specifically provided for in this Section. The changes made by Public Act 93-841 extending the duration of the prohibition against a rate increase or update for inflation are effective retroactive to July 1, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus $1.10 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care Facilities for the Developmentally Disabled or Long Term Care for Under Age 22 facilities, the rates taking effect on January 1, 2006 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care Facilities for the Developmentally Disabled or Long Term Care for Under Age 22 facilities, the rates taking effect on January 1, 2009 shall include an increase sufficient to provide a $0.50 per hour wage increase for non-executive staff.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus $3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by $4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, a new payment methodology must be implemented for the nursing component of the rate effective July 1, 2003. The Department of Public Aid (now Healthcare and Family Services) shall develop the new payment methodology using the Minimum Data Set (MDS) as the instrument to collect information concerning nursing home resident condition necessary to compute the rate. The Department shall develop the new payment methodology to meet the unique needs of Illinois nursing home residents while remaining subject to the appropriations provided by the General Assembly. A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect on July 1, 2003 shall be provided for a period not exceeding 3 years and 184 days after

implementation of the new payment methodology as follows:

(A) For a facility that would receive a lower nursing component rate per patient day under the new system than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be held at the level in effect on the date immediately preceding the date that the Department implements the new payment methodology until a higher nursing component rate of reimbursement is achieved by that facility.

(B) For a facility that would receive a higher nursing component rate per patient day under the payment methodology in effect on July 1, 2003 than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be adjusted.

(C) Notwithstanding paragraphs (A) and (B), the nursing component rate per patient day for the facility shall be adjusted subject to appropriations provided by the General Assembly.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on March 1, 2001 shall include a statewide increase of 7.85%, as defined by the Department.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the numerator of the ratio used by the Department of Healthcare and Family Services to compute the rate payable under this Section using the Minimum Data Set (MDS) methodology shall incorporate the following annual amounts as the additional funds appropriated to the Department specifically to pay for rates based on the MDS nursing component methodology in excess of the funding in effect on December 31, 2006:

(i) For rates taking effect January 1, 2007, $60,000,000.

(ii) For rates taking effect January 1, 2008, $110,000,000.

(iii) For rates taking effect January 1, 2009, $194,000,000.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the support component of the rates taking effect on January 1, 2008 shall be computed using the most recent cost reports on file with the Department of Healthcare and Family Services no later than April 1, 2005, updated for inflation to January 1, 2006.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the Department of Healthcare and Family Services shall adjust the rate of any nursing facility that participates in the Department of Public Health nursing home conversion and bed reduction pilot program under subsection (m) of Section 30 of the Older Adult Services Act so that the nursing facility rate reflects adjustments necessitated by the conversion activity.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on April 1, 2002 shall include a statewide increase of 2.0%, as defined by the Department. This increase terminates on July 1, 2002; beginning July 1, 2002 these rates are reduced to the level of the rates in effect on March 31, 2002, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on July 1, 2001 shall be computed using the most recent cost reports on file with the Department of Public Aid no later than April 1, 2000, updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the Illinois Department shall determine by rule the rates taking effect on July 1, 2002, which shall be 5.9% less than the rates in effect on June 30, 2002.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, if the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68 are approved by the United States Centers for Medicare and Medicaid Services, the rates taking effect on July 1, 2004 shall be 3.0% greater than the rates in effect on June 30, 2004. These rates shall take effect only

upon approval and implementation of the payment methodologies required under Section 5A-12.

Notwithstanding any other provisions of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on January 1, 2005 shall be 3% more than the rates in effect on December 31, 2004.

Notwithstanding any other provision of this Section, for facilities licensed by the

Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, effective January 1, 2009, the per diem support component of the rates effective on January 1, 2008, computed using the most recent cost reports on file with the Department of Healthcare and Family Services no later than April 1, 2005, updated for inflation to January 1, 2006, shall be increased to the amount that would have been derived using standard Department of Healthcare and Family Services methods, procedures, and inflators.

Notwithstanding any other provisions of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as intermediate care facilities that are federally defined as Institutions for Mental Disease, a socio-development component rate equal to 6.6% of the facility's nursing component rate as of January 1, 2006 shall be established and paid effective July 1, 2006. The socio-development component of the rate shall be increased by a factor of 2.53 on the first day of the month that begins at least 45 days after January 11, 2008 (the effective date of Public Act 95-707). As of August 1, 2008, the socio-development component rate shall be equal to 6.6% of the facility's nursing component rate as of January 1, 2006, multiplied by a factor of 3.53. The Illinois Department may by rule adjust these socio-development component rates, but in no case may such rates be diminished.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or as long-term care facilities for residents under 22 years of age, the rates taking effect on July 1, 2003 shall include a statewide increase of 4%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on the first day of the month that begins at least 45 days after the effective date of this amendatory Act of the 95th General Assembly shall include a statewide increase of 2.5%, as defined by the Department.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, effective January 1, 2005, facility rates shall be increased by the difference between (i) a facility's per diem property, liability, and malpractice insurance costs as reported in the cost report filed with the Department of Public Aid and used to establish rates effective July 1, 2001 and (ii) those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations, except for adjustments required under normal auditing procedures.

Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter until June 30, 2001 shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to the midpoint of the current rate year. In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Healthcare and Family Services shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of

rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Source: P.A. 94-48, eff. 7-1-05; 94-85, eff. 6-28-05; 94-697, eff. 11-21-05; 94-838, eff. 6-6-06; 94-964, eff. 6-28-06; 95-12, eff. 7-2-07; 95-331, eff. 8-21-07; 95-707, eff. 1-11-08; 95-744, eff. 7-18-08.)

Section 10. The Older Adult Services Act is amended by changing Section 30 as follows:

(320 ILCS 42/30)

Sec. 30. Nursing home conversion program.

(a) The Department of Public Health, in collaboration with the Department on Aging and the Department of Healthcare and Family Services, shall establish a nursing home conversion program. Start-up grants, pursuant to subsections (l) and (m) of this Section, shall be made available to nursing homes as appropriations permit as an incentive to reduce certified beds, retrofit, and retool operations to meet new service delivery expectations and demands.

(b) Grant moneys shall be made available for capital and other costs related to: (1) the conversion of all or a part of a nursing home to an assisted living establishment or a special program or unit for persons with Alzheimer's disease or related disorders licensed under the Assisted Living and Shared Housing Act or a supportive living facility established under Section 5-5.01a of the Illinois Public Aid Code; (2) the conversion of multi-resident bedrooms in the facility into single-occupancy rooms; and (3) the development of any of the services identified in a priority service plan that can be provided by a nursing home within the confines of a nursing home or transportation services. Grantees shall be required to provide a minimum of a 20% match toward the total cost of the project.

(c) Nothing in this Act shall prohibit the co-location of services or the development of multifunctional centers under subsection (f) of Section 20, including a nursing home offering community-based services or a community provider establishing a residential facility.

(d) A certified nursing home with at least 50% of its resident population having their care paid for by the Medicaid program is eligible to apply for a grant under this Section.

(e) Any nursing home receiving a grant under this Section shall reduce the number of certified nursing home beds by a number equal to or greater than the number of beds being converted for one or more of the permitted uses under item (1) or (2) of subsection (b). The nursing home shall retain the Certificate of Need for its nursing and sheltered care beds that were converted for 15 years. If the beds are reinstated by the provider or its successor in interest, the provider shall pay to the fund from which the grant was awarded, on an amortized basis, the amount of the grant. The Department shall establish, by rule, the bed reduction methodology for nursing homes that receive a grant pursuant to item (3) of subsection (b).

(f) Any nursing home receiving a grant under this Section shall agree that, for a minimum of 10 years after the date that the grant is awarded, a minimum of 50% of the nursing home's resident population shall have their care paid for by the Medicaid program. If the nursing home provider or its successor in interest ceases to comply with the requirement set forth in this subsection, the provider shall pay to the fund from which the grant was awarded, on an amortized basis, the amount of the grant.

(g) Before awarding grants, the Department of Public Health shall seek recommendations from the Department on Aging and the Department of Healthcare and Family Services. The Department of Public Health shall attempt to balance the distribution of grants among geographic regions, and among small and large nursing homes. The Department of Public Health shall develop, by rule, the criteria for the award of grants based upon the following factors:

(1) the unique needs of older adults (including those with moderate and low incomes), caregivers, and providers in the geographic area of the State the grantee seeks to serve;

(2) whether the grantee proposes to provide services in a priority service area;

(3) the extent to which the conversion or transition will result in the reduction of certified nursing home beds in an area with excess beds;

(4) the compliance history of the nursing home; and

(5) any other relevant factors identified by the Department, including standards of need.

(h) A conversion funded in whole or in part by a grant under this Section must not:

(1) diminish or reduce the quality of services available to nursing home residents;

(2) force any nursing home resident to involuntarily accept home-based or community-based services instead of nursing home services;

(3) diminish or reduce the supply and distribution of nursing home services in any

community below the level of need, as defined by the Department by rule; or

(4) cause undue hardship on any person who requires nursing home care.

(i) The Department shall prescribe, by rule, the grant application process. At a minimum, every application must include:

(1) the type of grant sought;

(2) a description of the project;

(3) the objective of the project;

(4) the likelihood of the project meeting identified needs;

(5) the plan for financing, administration, and evaluation of the project;

(6) the timetable for implementation;

(7) the roles and capabilities of responsible individuals and organizations;

(8) documentation of collaboration with other service providers, local community government leaders, and other stakeholders, other providers, and any other stakeholders in the community;

(9) documentation of community support for the project, including support by other service providers, local community government leaders, and other stakeholders;

(10) the total budget for the project;

(11) the financial condition of the applicant; and

(12) any other application requirements that may be established by the Department by rule.

(j) A conversion project funded in whole or in part by a grant under this Section is exempt from the requirements of the Illinois Health Facilities Planning Act. The Department of Public Health, however, shall send to the Health Facilities Planning Board a copy of each grant award made under this Section.

(k) Applications for grants are public information, except that nursing home financial condition and any proprietary data shall be classified as nonpublic data.

(l) The Department of Public Health may award grants from the Long Term Care Civil Money Penalties Fund established under Section 1919(h)(2)(A)(ii) of the Social Security Act and 42 CFR 488.422(g) if the award meets federal requirements.

(m) The Department of Public Health shall conduct a pilot program for nursing home conversion projects. The scope of the projects included in this pilot program shall be limited to the conversion of multi-resident bedrooms in a facility into single-occupancy rooms. The Department shall have the same authority under this subsection, and facilities participating in the pilot program shall have the same guarantees under this subsection, as are otherwise available to the Department and grantees under this Section.

(Source: P.A. 95-331, eff. 8-21-07.)

Section 99. Effective date. This Act takes effect upon becoming law.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been read by title a second time on March 30, 2009 and held, the following bill was taken up and advanced to the order of Third Reading: HOUSE BILL 1197.

HOUSE BILL 1202. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Counties & Townships, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 1202 on page 2, by replacing line 26 with the following: "Act of the 96th General Assembly, the county board of any county with a population between 15,000 and 50,000 by resolution"; and

on page 3, line 5, after "must", by inserting "have served in the elected position for at least 20 continuous years and".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 2263. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Revenue & Finance, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 2263 on page 1, line 13, after, "claimed.", by inserting "The amount of the credit may not exceed $300."; and

on page 2, by replacing lines 23 and 24 with "the eligible elderly caregiver for personal care attendant services".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 2331. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Agriculture & Conservation, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 2331 by replacing everything after the enacting clause with the following:

"Section 5. The Veterinary Medicine and Surgery Practice Act of 2004 is amended by changing Section 11 as follows:

(225 ILCS 115/11) (from Ch. 111, par. 7011)

(Section scheduled to be repealed on January 1, 2014)

Sec. 11. Temporary permits. A person holding the degree of Doctor of Veterinary Medicine, or its equivalent, from an accredited college of veterinary medicine, and who has applied in writing to the Department for a license to practice veterinary medicine and surgery in any of its branches, and who has fulfilled the requirements of Section 8 of this Act, with the exception of receipt of notification of his or her examination results, may ~~receive, at the discretion of the Department, a temporary permit to~~ practice under the direct supervision of a veterinarian who is licensed in this State, until: (1) the applicant has been notified of his or her failure to pass ~~the results of~~ the examination authorized by the Department; ~~or~~ (2) the applicant has withdrawn his or her application ; or (3) the applicant has received a license from the Department after successfully passing the examination authorized by the Department.

A temporary permit may be issued by the Department to a person who is a veterinarian licensed under the laws of another state, a territory of the United States, or a foreign country, upon application in writing to the Department for a license under this Act if he or she is qualified to receive a license and until: (1) the expiration of 6 months after the filing of the written application, (2) the withdrawal of the application or (3) the denial of the application by the Department.

A temporary permit issued under this Section shall not be extended or renewed. The holder of a temporary permit shall perform only those acts that may be prescribed by and incidental to his or her employment and that act shall be performed under the direction of a supervising veterinarian who is licensed in this State. The holder of the temporary permit shall not be entitled to otherwise engage in the practice of veterinary medicine until fully licensed in this State.

Upon the revocation of a temporary permit, the Department shall immediately notify, by certified mail, the supervising veterinarian employing the holder of a temporary permit and the holder of the permit. A temporary permit shall be revoked by the Department upon proof that the holder of the permit has engaged in the practice of veterinary medicine in this State outside his or her employment under a licensed veterinarian.

(Source: P.A. 93-281, eff. 12-31-03.)

Section 99. Effective date. This Act takes effect upon becoming law.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been read by title a second time on March 30, 2009 and held, the following bill was taken up and advanced to the order of Third Reading: HOUSE BILL 2335.

HOUSE BILL 2352. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Consumer Protection, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 2352 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Credit Card Marketing Act of 2009.

Section 5. Definitions. As used in this Act:

"Credit card" means a card or device issued under an agreement by which the credit card issuer gives to a cardholder residing in the State of Illinois the privilege of obtaining credit from the credit card issuer or another person in connection with the purchase or lease of goods or services primarily for personal, family, or household use.

"Credit card issuer" means a financial institution, a lender other than a financial institution, or a merchant that receives applications and issues credit cards to individuals.

"Credit card marketing activity" means any action designed to promote the completion of an application by a student to qualify to receive a credit card. Credit card marketing activity includes, but is not limited to, the act of placing a display or poster together with credit card applications on a campus of an institution of higher education in the State of Illinois, whether or not an employee or agent of the credit card issuer attends the display. "Credit card marketing activity" does not include promotional activity of a credit card issuer in a newspaper, magazine, or other similar publication or within the physical location of a financial services business located on the campus of an institution of higher education, when that activity is conducted as a part of the financial services business's regular course of business.

"Institution of higher education" means any publicly or privately operated university, college, community college, junior college, business, technical or vocational school, or other educational institution offering degrees and instruction beyond the secondary school level.

"Student pursuing an undergraduate education" means any individual under the age of 21 admitted to or applying for admission to an institution of higher education, or enrolled on a full or part time basis in a course or program of academic, business, or vocational instruction offered by or through an institution of higher education, where credits earned could be applied toward the earning of a bachelors or associates degree.

"Tangible personal property" means personal property that can be seen, weighed, measured, or touched, or that is in any other matter perceptible to the senses, including, but not limited to, gift cards, t-shirts, and other giveaways.

Section 10. Financial education. Any institution of higher education that enters into an agreement to market credit cards to students pursuing an undergraduate education, or that allows its student groups, alumni associations, or affiliates to enter into such agreements must make a financial education program available to all students. Additionally, an institution of higher education shall make available to all its students, via posting in a conspicuous location on its web pages, the financial education information required by this Section. The financial education program shall include, at a minimum:

(1) an explanation of the consequences of not paying credit card balances in full within the time specified by the billing statement, including an explanation of the methods employed by credit card issuers to compute interest on unpaid balances;

(2) an explanation of common industry practices that have a negative impact to consumer credit card holders; current examples include low introductory rates, a description of acts on the part of cardholder that would cause an immediate shift to a higher interest rate, and complex timing calculations which can trigger higher rates;

(3) examples illustrating the length of time it will take to pay off various balance amounts if only the minimum monthly payment required under the agreement is paid;

(4) an explanation of credit related terms, including but not limited to fixed rates, variable rates, introductory rates, balance transfers, grace periods, and annual fees;

(5) information concerning the federal government's opt-out program to limit credit card solicitations, and how students may participate in it; and

(6) an explanation of the impact of and potential consequences that could result from using a debit card for purchases that exceed the deposits in the account tied to the debit card.

Section 15. Disclosure of agreements with credit card issuers.

(a) Any institution of higher education, including its agents, employees, or student or alumni organizations, or affiliates that receives any funds or items of value from the distribution of applications for credit cards to students pursuing an undergraduate education, or whose student groups, alumni associations or affiliates, or both, receive funds or items of value from the distribution, must disclose the following:

(1) the name of the credit card issuer that has entered into an agreement with the institution of higher education;

(2) the nature of the institution of higher education's relationship with the credit card issuer, including the amount of funds or other items of value received from the arrangement; and

(3) the way in which those funds were expended during the previous school year.

(b) Disclosures must appear in the following locations:

(1) in a conspicuous location on the webpages of the institution of higher education;

(2) in an annual report to the Illinois Board of Higher Education; and

(3) in any notices mailed to students marketing or promoting the credit card.

(c) To the extent that the institution of higher education is a State or government entity receiving public funds and otherwise subject to the Freedom of Information Act, all agreements with credit card issuers shall be subject to disclosure to any requester pursuant to the Freedom of Information Act.

(d) This Section applies to all contracts or agreements entered into after the effective date of this Act. Nothing in this Section is intended to or shall impair the obligations, terms, conditions, or value of contracts between credit card issuers and institutions of higher education that were entered into before the effective date of this Act.

Section 20. Gifts and inducements. No institution of higher education shall knowingly allow on its campus credit card marketing activity that involves the offer of gifts, coupons, or other tangible personal property to students pursuing an undergraduate education where the ultimate goal is to induce a student to complete an application for a credit card. All institutions of higher education shall prohibit their students, student groups, alumni associations, or affiliates from providing gifts, coupons, or other tangible personal property to students pursuing an undergraduate education where the ultimate goal is to induce a student to complete an application for a credit card.

Section 25. Provision of student information prohibited. Institutions of higher education, including their agents, employees, student groups, alumni organizations, or any affiliates may not provide to a business organization or financial institution for purposes of marketing credit cards the following information about students pursuing an undergraduate education: (i) name, (ii) address, (iii) telephone number, (iv) social security number, (v) e-mail address, or (vi) other personally identifying information. This requirement is waived if the student pursuing an undergraduate education is 21 years of age or older.

Section 30. Enforcement; violations. Whenever the Attorney General has reason to believe that any institution of higher education is knowingly using, has used, or is about to use any method, act, or practice in violation of this Act, or knows or should have reason to know that agents, employees, students, student groups, alumni associations, or affiliates used or are about to use any method, act, or practice in violation of this Act, the Attorney General may bring an action in the name of the State against any institution of higher education to restrain and prevent any violation of this Act and seek penalties in amounts up to $1000 per incident.

Section 35. Attorney General; investigations; issuance of subpoenas.

(a) The Attorney General may conduct any investigation deemed necessary regarding possible violations of this Act including, but not limited to, the issuance of subpoenas to:

(1) require the filing of a statement or report or answer interrogatories in writing as to all information relevant to the alleged violations;

(2) examine under oath any person who possesses knowledge or information directly related to the alleged violations; and

(3) examine any record, book, document, account, or paper necessary to investigate the alleged violation.

(b) Service by the Attorney General of any notice requiring a person to file a statement or report, or of a subpoena upon any person, shall be made:

(1) personally by delivery of a duly executed copy thereof to the person to be served or, if the person is not a natural person, in the manner provided in the Code of Civil Procedure when a complaint is filed; or

(2) by mailing by certified mail a duly executed copy thereof to the person to be served at his or her last known abode or principal place of business within this State.

(c) If any person fails or refuses to file any statement or report, or obey any subpoena issued by the Attorney General, then the Attorney General may file a complaint in the circuit court for the:

(1) granting of injunctive relief, restraining the sale or advertisement of any merchandise by such persons, or the conduct of any trade or commerce that is involved; and

(2) granting of such other relief as may be required; until the person files the statement or report, or obeys the subpoena.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 900. The Freedom of Information Act is amended by changing Sections 2 and 7 as follows:

(5 ILCS 140/2) (from Ch. 116, par. 202)

Sec. 2. Definitions. As used in this Act:

(a) "Public body" means any legislative, executive, administrative, or advisory bodies of the State, state universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this State, any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, and a School Finance Authority created under Article 1E of the School Code. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act.

(b) "Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group.

(c) "Public records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information and all other documentary materials, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed or under the control of any public body. "Public records" includes, but is expressly not limited to: (i) administrative manuals, procedural rules, and instructions to staff, unless exempted by Section 7(p) of this Act; (ii) final opinions and orders made in the adjudication of cases, except an educational institution's adjudication of student or employee grievance or disciplinary cases; (iii) substantive rules; (iv) statements and interpretations of policy which have been adopted by a public body; (v) final planning policies, recommendations, and decisions; (vi) factual reports, inspection reports, and studies whether prepared by or for the public body; (vii) all information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds of public bodies; (viii) the names, salaries, titles, and dates of employment of all employees and officers of public bodies; (ix) materials containing opinions concerning the rights of the state, the public, a subdivision of state or a local government, or of any private persons; (x) the name of every official and the final records of voting in all proceedings of public bodies; (xi) applications for any contract, permit, grant, or agreement except as exempted from disclosure by subsection (g) of Section 7 of this Act; (xii) each report, document, study, or publication prepared by independent consultants or other independent contractors for the public body; (xiii) all other information required by law to be made available for public inspection or copying; (xiv) information relating to any grant or contract made by or between a public body and another public body or private organization; (xv) waiver documents filed with the State Superintendent of Education or the president of the University of Illinois under Section 30-12.5 of the School Code, concerning nominees for General Assembly scholarships under Sections 30-9, 30-10, and 30-11 of the School Code; (xvi) complaints, results of complaints, and Department of Children and Family Services staff findings of licensing violations at day care facilities, provided that personal and identifying information is not released; ~~and~~ (xvii) records, reports, forms, writings, letters, memoranda, books, papers, and other documentary information, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed, or under the control of the Illinois Sports Facilities Authority dealing with the receipt or expenditure of public funds or other funds of the Authority in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of an existing "facility" as that

term is defined in the Illinois Sports Facilities Authority Act ; and (xviii) reports prepared by institutions of higher education in the state of Illinois documenting their relationship with credit card issuers, otherwise disclosed to the Illinois Board of Higher Education.

(d) "Copying" means the reproduction of any public record by means of any photographic, electronic, mechanical or other process, device or means.

(e) "Head of the public body" means the president, mayor, chairman, presiding officer, director, superintendent, manager, supervisor or individual otherwise holding primary executive and administrative authority for the public body, or such person's duly authorized designee.

(f) "News media" means a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(Source: P.A. 91-935, eff. 6-1-01; 92-335, eff. 8-10-01; 92-468, eff. 8-22-01; 92-547, eff. 6-13-02; 92-651, eff. 7-11-02.)

(5 ILCS 140/7) (from Ch. 116, par. 207)

(Text of Section before amendment by P.A. 95-988)

Sec. 7. Exemptions.

(1) The following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations adopted under federal or State law.

(b) Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. Information exempted under this subsection (b) shall include but is not limited to:

(i) files and personal information maintained with respect to clients, patients, residents, students or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or public bodies;

(ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for those positions;

(iii) files and personal information maintained with respect to any applicant, registrant or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline;

(iv) information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute;

(v) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies; provided, however, that identification of witnesses to traffic accidents, traffic accident reports, and rescue reports may be provided by agencies of local government, except in a case for which a criminal investigation is ongoing, without constituting a clearly unwarranted per se invasion of personal privacy under this subsection; and

(vi) the names, addresses, or other personal information of participants and registrants in park district, forest preserve district, and conservation district programs.

(c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(ii) interfere with pending administrative enforcement proceedings conducted by any public body;

(iii) deprive a person of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source or confidential information furnished only by the confidential source;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct;

(vi) constitute an invasion of personal privacy under subsection (b) of this

Section;

(vii) endanger the life or physical safety of law enforcement personnel or any other person; or

(viii) obstruct an ongoing criminal investigation.

(d) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:

(i) chronologically maintained arrest information, such as traditional arrest logs or blotters;

(ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;

(iii) court records that are public;

(iv) records that are otherwise available under State or local law; or

(v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of this Section.

"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including:

(i) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(ii) All trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) Test questions, scoring keys and other examination data used to administer an academic examination or determined the qualifications of an applicant for a license or employment.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, but only to the extent that disclosure would compromise security, including but not limited to water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings.

(l) Library circulation and order records identifying library users with specific materials.

(m) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(n) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(o) Information received by a primary or secondary school, college or university under its procedures for the evaluation of faculty members by their academic peers.

(p) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(q) Documents or materials relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(r) Drafts, notes, recommendations and memoranda pertaining to the financing and marketing transactions of the public body. The records of ownership, registration, transfer, and exchange of municipal debt obligations, and of persons to whom payment with respect to these obligations is made.

(s) The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

(t) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool.

(u) Information concerning a university's adjudication of student or employee grievance or disciplinary cases, to the extent that disclosure would reveal the identity of the student or employee and information concerning any public body's adjudication of student or employee grievances or disciplinary cases, except for the final outcome of the cases.

(v) Course materials or research materials used by faculty members.

(w) Information related solely to the internal personnel rules and practices of a public body.

(x) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law.

(y) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(z) Manuals or instruction to staff that relate to establishment or collection of liability for any State tax or that relate to investigations by a public body to determine violation of any criminal law.

(aa) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(bb) Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.

(cc) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(dd) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(ee) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(ff) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(gg) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(hh) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act.

(ii) Beginning July 1, 1999, information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.

(jj) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(kk) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

(ll) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

(mm) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility or by the Illinois Power Agency.

(nn) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(oo) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(pp) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(qq) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (qq) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(rr) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

(ss) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(tt) Information about students exempted from disclosure under Sections 10-20.38 or 34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education

exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009.

(2) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664, eff. 1-1-06; 94-931, eff. 6-26-06; 94-953, eff. 6-27-06; 94-1055, eff. 1-1-07; 95-331, eff. 8-21-07; 95-481, eff. 8-28-07; 95-941, eff. 8-29-08.)

(Text of Section after amendment by P.A. 95-988)

Sec. 7. Exemptions.

(1) The following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations adopted under federal or State law.

(b) Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. Information exempted under this subsection (b) shall include but is not limited to:

(i) files and personal information maintained with respect to clients, patients, residents, students or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or public bodies;

(ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for those positions;

(iii) files and personal information maintained with respect to any applicant, registrant or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline;

(iv) information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute;

(v) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies; provided, however, that identification of witnesses to traffic accidents, traffic accident reports, and rescue reports may be provided by agencies of local government, except in a case for which a criminal investigation is ongoing, without constituting a clearly unwarranted per se invasion of personal privacy under this subsection;

(vi) the names, addresses, or other personal information of participants and registrants in park district, forest preserve district, and conservation district programs; and

(vii) the Notarial Record or other medium containing the thumbprint or fingerprint required by Section 3-102(c)(6) of the Illinois Notary Public Act.

(c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(ii) interfere with pending administrative enforcement proceedings conducted by any public body;

(iii) deprive a person of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source or confidential information furnished only by the confidential source;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct;

(vi) constitute an invasion of personal privacy under subsection (b) of this Section;

(vii) endanger the life or physical safety of law enforcement personnel or any other person; or

(viii) obstruct an ongoing criminal investigation.

(d) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:

(i) chronologically maintained arrest information, such as traditional arrest logs or blotters;

(ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;

(iii) court records that are public;

(iv) records that are otherwise available under State or local law; or

(v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of this Section.

"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including:

(i) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(ii) All trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) Test questions, scoring keys and other examination data used to administer an academic examination or determined the qualifications of an applicant for a license or employment.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, but only to the extent that disclosure would compromise security, including but not limited to water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings.

(l) Library circulation and order records identifying library users with specific materials.

(m) Minutes of meetings of public bodies closed to the public as provided in the Open

Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(n) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(o) Information received by a primary or secondary school, college or university under its procedures for the evaluation of faculty members by their academic peers.

(p) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(q) Documents or materials relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(r) Drafts, notes, recommendations and memoranda pertaining to the financing and marketing transactions of the public body. The records of ownership, registration, transfer, and exchange of municipal debt obligations, and of persons to whom payment with respect to these obligations is made.

(s) The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

(t) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool.

(u) Information concerning a university's adjudication of student or employee grievance or disciplinary cases, to the extent that disclosure would reveal the identity of the student or employee and information concerning any public body's adjudication of student or employee grievances or disciplinary cases, except for the final outcome of the cases.

(v) Course materials or research materials used by faculty members.

(w) Information related solely to the internal personnel rules and practices of a public body.

(x) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law.

(y) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(z) Manuals or instruction to staff that relate to establishment or collection of liability for any State tax or that relate to investigations by a public body to determine violation of any criminal law.

(aa) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(bb) Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.

(cc) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(dd) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(ee) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(ff) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(gg) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(hh) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act.

(ii) Beginning July 1, 1999, information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.

(jj) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(kk) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

(ll) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

(mm) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility or by the Illinois Power Agency.

(nn) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(oo) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(pp) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(qq) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (qq) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(rr) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

(ss) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(tt) Information about students exempted from disclosure under Sections 10-20.38 or 34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009.

(2) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664, eff. 1-1-06; 94-931, eff. 6-26-06; 94-953, eff. 6-27-06; 94-1055, eff. 1-1-07; 95-331, eff. 8-21-07; 95-481, eff. 8-28-07; 95-941, eff. 8-29-08; 95-988, eff. 6-1-09; revised 10-20-08.)

Section 905. The School Code is amended by changing Sections 10-20.38 and 34-18.29 as follows:

(105 ILCS 5/10-20.38)

Sec. 10-20.38. Provision of student information prohibited. A school district, including its agents, employees, student or alumni associations, or any affiliates, may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards.
(Source: P.A. 95-331, eff. 8-21-07.)

(105 ILCS 5/34-18.29)

Sec. 34-18.29. Provision of student information prohibited. The school district, including its agents, employees, student or alumni associations, or any affiliates, may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards.
(Source: P.A. 95-331, eff. 8-21-07.)

Section 910. The University of Illinois Act is amended by changing Section 30 as follows:

(110 ILCS 305/30)

Sec. 30. Provision of student and social security information prohibited.

(a) The University, including its agents, employees, student or alumni organizations, or any affiliates, may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

(b) The University may not print an individual's social security number on any card or other document required for the individual to access products or services provided by the University.
(Source: P.A. 93-549, eff. 8-19-03; 94-226, eff. 1-1-06.)

Section 915. The Southern Illinois University Management Act is amended by changing Section 16 as follows:

(110 ILCS 520/16)

Sec. 16. Provision of student and social security information prohibited.

(a) The University, including its agents, employees, student or alumni organizations, or any affiliates, may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

(b) The University may not print an individual's social security number on any card or other document required for the individual to access products or services provided by the University.
(Source: P.A. 93-549, eff. 8-19-03; 94-226, eff. 1-1-06.)

Section 920. The Chicago State University Law is amended by changing Section 5-125 as follows:

(110 ILCS 660/5-125)

Sec. 5-125. Provision of student and social security information prohibited.

(a) The University, including its agents, employees, student or alumni organizations, or any affiliates, may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

(b) The University may not print an individual's social security number on any card or other document required for the individual to access products or services provided by the University.
(Source: P.A. 93-549, eff. 8-19-03; 94-226, eff. 1-1-06.)

Section 925. The Eastern Illinois University Law is amended by changing Section 10-125 as follows:

(110 ILCS 665/10-125)

Sec. 10-125. Provision of student and social security information prohibited.

(a) The University, including its agents, employees, student or alumni organizations, or any affiliates, may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

(b) The University may not print an individual's social security number on any card or other document required for the individual to access products or services provided by the University.
(Source: P.A. 93-549, eff. 8-19-03; 94-226, eff. 1-1-06.)

Section 930. The Governors State University Law is amended by changing Section 15-125 as follows:

(110 ILCS 670/15-125)

Sec. 15-125. Provision of student and social security information prohibited.

(a) The University, including its agents, employees, student or alumni organizations, or any affiliates, may not provide a student's name, address, telephone number, social security number, e-mail address, or

other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

(b) The University may not print an individual's social security number on any card or other document required for the individual to access products or services provided by the University.

(Source: P.A. 93-549, eff. 8-19-03; 94-226, eff. 1-1-06.)

Section 935. The Illinois State University Law is amended by changing Section 20-130 as follows:

(110 ILCS 675/20-130)

Sec. 20-130. Provision of student and social security information prohibited.

(a) The University, including its agents, employees, student or alumni organizations, or any affiliates, may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

(b) The University may not print an individual's social security number on any card or other document required for the individual to access products or services provided by the University.

(Source: P.A. 93-549, eff. 8-19-03; 94-226, eff. 1-1-06.)

Section 940. The Northeastern Illinois University Law is amended by changing Section 25-125 as follows:

(110 ILCS 680/25-125)

Sec. 25-125. Provision of student and social security information prohibited.

(a) The University, including its agents, employees, student or alumni organizations, or any affiliates, may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

(b) The University may not print an individual's social security number on any card or other document required for the individual to access products or services provided by the University.

(Source: P.A. 93-549, eff. 8-19-03; 94-226, eff. 1-1-06.)

Section 945. The Northern Illinois University Law is amended by changing Section 30-135 as follows:

(110 ILCS 685/30-135)

Sec. 30-135. Provision of student and social security information prohibited.

(a) The University, including its agents, employees, student or alumni organizations, or any affiliates, may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

(b) The University may not print an individual's social security number on any card or other document required for the individual to access products or services provided by the University.

(Source: P.A. 93-549, eff. 8-19-03; 94-226, eff. 1-1-06.)

Section 950. The Western Illinois University Law is amended by changing Section 35-130 as follows:

(110 ILCS 690/35-130)

Sec. 35-130. Provision of student and social security information prohibited.

(a) The University, including its agents, employees, student or alumni organizations, or any affiliates, may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

(b) The University may not print an individual's social security number on any card or other document required for the individual to access products or services provided by the University.

(Source: P.A. 93-549, eff. 8-19-03; 94-226, eff. 1-1-06.)

Section 955. The Public Community College Act is amended by changing Section 3-60 as follows:

(110 ILCS 805/3-60)

Sec. 3-60. Provision of student and social security information prohibited.

(a) A community college, including its agents, employees, student or alumni organizations, or any affiliates, may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older.

(b) A community college may not print an individual's social security number on any card or other document required for the individual to access products or services provided by the community college.

(Source: P.A. 93-549, eff. 8-19-03; 94-226, eff. 1-1-06.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been read by title a second time on March 30, 2009 and held, the following bills were taken up and advanced to the order of Third Reading: HOUSE BILLS 2353, 2388 and 2435.

Having been read by title a second time on March 23, 2009 and held, the following bill was taken up and advanced to the order of Third Reading: HOUSE BILL 2440.

Having been read by title a second time on March 30, 2009 and held, the following bills were taken up and advanced to the order of Third Reading: HOUSE BILLS 2610, 2669, 3642 and 3676.

HOUSE BILL 3677. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Judiciary II - Criminal Law, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 3677 by replacing lines 17 through 22 on page 1 and line 1 on page 2 with the following:

"Section 99. Effective date. This Act takes effect January 1, 2010.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been read by title a second time on March 30, 2009 and held, the following bills were taken up and advanced to the order of Third Reading: HOUSE BILLS 3690, 3705 and 3717.

HOUSE BILL 3718. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Counties & Townships, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 3718 on page 13, line 14, after "variations", by inserting "held at a zoning or other appropriate committee meeting with proper notice given as provided in this Section"; and

on page 14, by deleting line 26; and

on page 15, by deleting lines 1 and 2.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been read by title a second time on March 30, 2009 and held, the following bills were taken up and advanced to the order of Third Reading: HOUSE BILLS 3746, 3833, 3859, 3885 and 3934.

HOUSE BILL 3981. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Judiciary I - Civil Law, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 3981 as follows:
on page 4, line 4, before the comma, by inserting "absent imminent danger"; and
on page 4, line 21, by deleting "physician,"; and
on page 4, line 22, after "psychologist", by deleting ","; and
on page 5, line 1, before the comma, by inserting "absent imminent danger"; and
on page 7, line 2, before the comma, by inserting "absent imminent danger"; and
on page 8, by deleting lines 14 through 18.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been read by title a second time on March 30, 2009 and held, the following bills were taken up and advanced to the order of Third Reading: HOUSE BILLS 3991, 3994, 3997, 4008, 4013, 4021, 4027, 4030 and 4049.

HOUSE BILL 4054. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Adoption Reform, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 4054 by replacing lines 20 through 23 on page 1 and lines 1 through 3 on page 2 with the following:

"(3) Many young adults who age out of foster care are ill-equipped to live independently and are especially vulnerable to unemployment, homelessness, mental and physical health-related problems, incarceration, teen pregnancy and parenting, and other obstacles to achieving sustainable self-sufficiency; and"; and

on page 2, line 4, by replacing "(5)" with "(4)"; and
on page 18, lines 19 and 20, by replacing "trial discharge services" with "services under this Section"; and
on page 18, line 22, by deleting "trial discharge"; and
on page 18, line 25, by replacing "trial discharge services" with "services under this Section".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been read by title a second time on March 30, 2009 and held, the following bills were taken up and advanced to the order of Third Reading: HOUSE BILLS 4177 and 4182.

HOUSE BILL 4327. Having been read by title a second time on March 30, 2009, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Vehicles & Safety, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 4327 on page 5, line 25, after the period, by inserting the following:

"The Secretary of State may comply with this subsection by posting the requirements of this Section on the Secretary of State's website.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 2325. Having been recalled on March 27, 2009, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

## SUSPEND POSTING REQUIREMENTS

Pursuant to Rule 25, Representative Lyons moved to suspend the posting requirements of Rule 21 in relation to HOUSE BILL 3874.

The motion prevailed.

## RECALL

At the request of the principal sponsor, Representative Franks, HOUSE BILL 4078 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

## AGREED RESOLUTIONS

HOUSE RESOLUTIONS 236, 237, 238, 242, 243 and 244 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

## HOUSE BILLS ON SECOND READING

HOUSE BILL 71. Having been recalled on March 11, 2009, and held on the order of Second Reading, the same was again taken up.

Representative D'Amico offered the following amendments and moved their adoption.

AMENDMENT NO. 1. Amend House Bill 71 on page 2, line 11, by deleting "or"; and
on page 2, line 13 by changing "." to "; or"; and
on page 2, by inserting below line 13 the following:

"(4) a driver of a commercial motor vehicle reading a message displayed on a permanently installed communication device designed for a commercial motor vehicle with a screen that does not exceed 10 inches tall by 10 inches wide in size.".

AMENDMENT NO. 2. Amend House Bill 71 on page 1, line 15, by replacing "purposes." with "purposes or a device that is physically or electronically integrated into the motor vehicle."; and
on page 2, line 13, by replacing "solely in" with "in hands-free or".

The foregoing motions prevailed and Amendments numbered 1 and 2 were adopted.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

## SENATE BILL ON SECOND READING

SENATE BILL 364. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 364 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Governmental Ethics Act is amended by changing Sections 4A-101, 4A-102, 4A-106, and 4A-107 as follows:

(5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

Sec. 4A-101. Persons required to file. The following persons shall file verified written statements of economic interests, as provided in this Article:

(a) Members of the General Assembly and candidates for nomination or election to the

General Assembly.

(b) Persons holding an elected office in the Executive Branch of this State, and candidates for nomination or election to these offices.

(c) Members of a Commission or Board created by the Illinois Constitution, and candidates for nomination or election to such Commission or Board.

(d) Persons whose appointment to office is subject to confirmation by the Senate.

(e) Holders of, and candidates for nomination or election to, the office of judge or associate judge of the Circuit Court and the office of judge of the Appellate or Supreme Court.

(f) Persons who are employed by any branch, agency, authority or board of the government of this State, including but not limited to, the Illinois State Toll Highway Authority, the Illinois Housing Development Authority, the Illinois Community College Board, and institutions under the jurisdiction of the Board of Trustees of the University of Illinois, Board of Trustees of Southern Illinois University, Board of Trustees of Chicago State University, Board of Trustees of Eastern Illinois University, Board of Trustees of Governor's State University, Board of Trustees of Illinois State University, Board of Trustees of Northeastern Illinois University, Board of Trustees of Northern Illinois University, Board of Trustees of Western Illinois University, or Board of Trustees of the Illinois Mathematics and Science Academy, and are compensated for services as employees and not as independent contractors and who:

(1) are, or function as, the head of a department, commission, board, division, bureau, authority or other administrative unit within the government of this State, or who exercise similar authority within the government of this State;

(2) have direct supervisory authority over, or direct responsibility for the formulation, negotiation, issuance or execution of contracts entered into by the State in the amount of $5,000 or more;

(3) have authority for the issuance or promulgation of rules and regulations within areas under the authority of the State;

(4) have authority for the approval of professional licenses;

(5) have responsibility with respect to the financial inspection of regulated nongovernmental entities;

(6) adjudicate, arbitrate, or decide any judicial or administrative proceeding, or review the adjudication, arbitration or decision of any judicial or administrative proceeding within the authority of the State;

(7) have supervisory responsibility for 20 or more employees of the State; or

(8) negotiate, assign, authorize, or grant naming rights or sponsorship rights regarding any property or asset of the State, whether real, personal, tangible, or intangible.

(g) Persons who are elected to office in a unit of local government, and candidates for nomination or election to that office, including regional superintendents of school districts.

(h) Persons appointed to the governing board of a unit of local government, or of a special district, and persons appointed to a zoning board, or zoning board of appeals, or to a regional, county, or municipal plan commission, or to a board of review of any county, and persons appointed to the Board of the Metropolitan Pier and Exposition Authority and any Trustee appointed under Section 22 of the Metropolitan Pier and Exposition Authority Act, and persons appointed to a board or commission of a unit of local government who have authority to authorize the expenditure of public funds. This subsection does not apply to members of boards or commissions who function in an advisory capacity.

(i) Persons who are employed by a unit of local government and are compensated for services as employees and not as independent contractors and who:

(1) are, or function as, the head of a department, division, bureau, authority or other administrative unit within the unit of local government, or who exercise similar authority within the unit of local government;

(2) have direct supervisory authority over, or direct responsibility for the formulation, negotiation, issuance or execution of contracts entered into by the unit of local government in the amount of $1,000 or greater;

(3) have authority to approve licenses and permits by the unit of local government; this item does not include employees who function in a ministerial capacity;

(4) adjudicate, arbitrate, or decide any judicial or administrative proceeding, or review the adjudication, arbitration or decision of any judicial or administrative proceeding within the authority of the unit of local government;

(5) have authority to issue or promulgate rules and regulations within areas under

the authority of the unit of local government; or

(6) have supervisory responsibility for 20 or more employees of the unit of local government.

(j) Persons on the Board of Trustees of the Illinois Mathematics and Science Academy.

(k) Persons employed by a school district in positions that require that person to hold an administrative or a chief school business official endorsement.

(l) Special government agents. A "special government agent" is a person who is directed, retained, designated, appointed, or employed, with or without compensation, by or on behalf of a statewide executive branch constitutional officer to make an ex parte communication under Section 5-50 of the State Officials and Employees Ethics Act or Section 5-165 of the Illinois Administrative Procedure Act.

(m) Members of the board of commissioners of any flood prevention district.

(n) Members of the board of any retirement system or investment board established under the Illinois Pension Code, if not required to file under any other provision of this Section.

(o) Members of the board of any pension fund established under the Illinois Pension Code, if not required to file under any other provision of this Section.

This Section shall not be construed to prevent any unit of local government from enacting financial disclosure requirements that mandate more information than required by this Act.

(Source: P.A. 95-719, eff. 5-21-08.)

(5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

Sec. 4A-102. The statement of economic interests required by this Article shall include the economic interests of the person making the statement as provided in this Section. The interest (if constructively controlled by the person making the statement) of a spouse or any other party, shall be considered to be the same as the interest of the person making the statement. Campaign receipts shall not be included in this statement.

(a) The following interests shall be listed by all persons required to file:

(1) The name, address and type of practice of any professional organization or individual professional practice in which the person making the statement was an officer, director, associate, partner or proprietor, or served in any advisory capacity, from which income in excess of $1200 was derived during the preceding calendar year;

(2) The nature of professional services (other than services rendered to the unit or units of government in relation to which the person is required to file) and the nature of the entity to which they were rendered if fees exceeding $5,000 were received during the preceding calendar year from the entity for professional services rendered by the person making the statement.

(3) The identity (including the address or legal description of real estate) of any capital asset from which a capital gain of $5,000 or more was realized in the preceding calendar year.

(4) The name of any unit of government which has employed the person making the statement during the preceding calendar year other than the unit or units of government in relation to which the person is required to file.

(5) The name of any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of $500, was received during the preceding calendar year.

(b) The following interests shall also be listed by persons listed in items (a) through (f), ~~and~~ item (l) , and item (n) of Section 4A-101:

(1) The name and instrument of ownership in any entity doing business in the State of Illinois, in which an ownership interest held by the person at the date of filing is in excess of $5,000 fair market value or from which dividends of in excess of $1,200 were derived during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description). No time or demand deposit in a financial institution, nor any debt instrument need be listed;

(2) Except for professional service entities, the name of any entity and any position held therein from which income of in excess of $1,200 was derived during the preceding calendar year, if the entity does business in the State of Illinois. No time or demand deposit in a financial institution, nor any debt instrument need be listed.

(3) The identity of any compensated lobbyist with whom the person making the statement maintains a close economic association, including the name of the lobbyist and specifying the legislative matter or matters which are the object of the lobbying activity, and describing the general type of economic activity of the client or principal on whose behalf that person is lobbying.

(c) The following interests shall also be listed by persons listed in items (g), (h), ~~and~~ (i), and (o) of Section 4A-101:

(1) The name and instrument of ownership in any entity doing business with a unit of local government in relation to which the person is required to file if the ownership interest of the person filing is greater than $5,000 fair market value as of the date of filing or if dividends in excess of $1,200 were received from the entity during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description). No time or demand deposit in a financial institution, nor any debt instrument need be listed.

(2) Except for professional service entities, the name of any entity and any position held therein from which income in excess of $1,200 was derived during the preceding calendar year if the entity does business with a unit of local government in relation to which the person is required to file. No time or demand deposit in a financial institution, nor any debt instrument need be listed.

(3) The name of any entity and the nature of the governmental action requested by any entity which has applied to a unit of local government in relation to which the person must file for any license, franchise or permit for annexation, zoning or rezoning of real estate during the preceding calendar year if the ownership interest of the person filing is in excess of $5,000 fair market value at the time of filing or if income or dividends in excess of $1,200 were received by the person filing from the entity during the preceding calendar year.

For the purposes of this Section, the unit of local government in relation to which a person required to file under item (o) of Section 4A-101 shall be the unit of local government that contributes to the pension fund of which such person is a member of the board.

(Source: P.A. 92-101, eff. 1-1-02; 93-617, eff. 12-9-03.)

(5 ILCS 420/4A-106) (from Ch. 127, par. 604A-106)

Sec. 4A-106. The statements of economic interests required of persons listed in items (a) through (f), item (j), ~~and~~ item (l) , and item (n) of Section 4A-101 shall be filed with the Secretary of State. The statements of economic interests required of persons listed in items (g), (h), (i), ~~and~~ (k) , and (o) of Section 4A-101 shall be filed with the county clerk of the county in which the principal office of the unit of local government with which the person is associated is located. If it is not apparent which county the principal office of a unit of local government is located, the chief administrative officer, or his or her designee, has the authority, for purposes of this Act, to determine the county in which the principal office is located. On or before February 1 annually, (1) the chief administrative officer of any State agency in the executive, legislative, or judicial branch employing persons required to file under item (f) or item (l) of Section 4A-101 and the chief administrative officer of a board described in item (n) of Section 4A-101 shall certify to the Secretary of State the names and mailing addresses of those persons, and (2) the chief administrative officer, or his or her designee, of each unit of local government with persons described in items (h), (i) and (k) and a board described in item (o) of Section 4A-101 shall certify to the appropriate county clerk a list of names and addresses of persons described in items (h), (i), ~~and~~ (k) , and (o) of Section 4A-101 that are required to file. In preparing the lists, each chief administrative officer, or his or her designee, shall set out the names in alphabetical order.

On or before April 1 annually, the Secretary of State shall notify (1) all persons whose names have been certified to him under items (f), ~~and~~ (l) , and (n) of Section 4A-101, and (2) all persons described in items (a) through (e) and item (j) of Section 4A-101, other than candidates for office who have filed their statements with their nominating petitions, of the requirements for filing statements of economic interests. A person required to file with the Secretary of State by virtue of more than one item among items (a) through (f) and items (j), ~~and~~ (l) , and (n) shall be notified of and is required to file only one statement of economic interests relating to all items under which the person is required to file with the Secretary of State.

On or before April 1 annually, the county clerk of each county shall notify all persons whose names have been certified to him under items (g), (h), (i), ~~and~~ (k) , and (o) of Section 4A-101, other than candidates for office who have filed their statements with their nominating petitions, of the requirements for filing statements of economic interests. A person required to file with a county clerk by virtue of more than one item among items (g), (h), (i), ~~and~~ (k) , and (o) shall be notified of and is required to file only one statement of economic interests relating to all items under which the person is required to file with that county clerk.

Except as provided in Section 4A-106.1, the notices provided for in this Section shall be in writing and deposited in the U.S. Mail, properly addressed, first class postage prepaid, on or before the day required by this Section for the sending of the notice. A certificate executed by the Secretary of State or county clerk

attesting that he has mailed the notice constitutes prima facie evidence thereof.

From the lists certified to him under this Section of persons described in items (g), (h), (i), ~~and~~ (k) , and (o) of Section 4A-101, the clerk of each county shall compile an alphabetical listing of persons required to file statements of economic interests in his office under any of those items. As the statements are filed in his office, the county clerk shall cause the fact of that filing to be indicated on the alphabetical listing of persons who are required to file statements. Within 30 days after the due dates, the county clerk shall mail to the State Board of Elections a true copy of that listing showing those who have filed statements.

The county clerk of each county shall note upon the alphabetical listing the names of all persons required to file a statement of economic interests who failed to file a statement on or before May 1. It shall be the duty of the several county clerks to give notice as provided in Section 4A-105 to any person who has failed to file his or her statement with the clerk on or before May 1.

Any person who files or has filed a statement of economic interest under this Act is entitled to receive from the Secretary of State or county clerk, as the case may be, a receipt indicating that the person has filed such a statement, the date of such filing, and the identity of the governmental unit or units in relation to which the filing is required.

The Secretary of State may employ such employees and consultants as he considers necessary to carry out his duties hereunder, and may prescribe their duties, fix their compensation, and provide for reimbursement of their expenses.

All statements of economic interests filed under this Section shall be available for examination and copying by the public at all reasonable times. Not later than 12 months after the effective date of this amendatory Act of the 93rd General Assembly, beginning with statements filed in calendar year 2004, the Secretary of State shall make statements of economic interests filed with the Secretary available for inspection and copying via the Secretary's website.

(Source: P.A. 93-617, eff. 12-9-03; 94-603, eff. 8-16-05.)

(5 ILCS 420/4A-107) (from Ch. 127, par. 604A-107)

Sec. 4A-107. Any person required to file a statement of economic interests under this Article who willfully files a false or incomplete statement shall be guilty of a Class A misdemeanor.

Failure to file a statement within the time prescribed shall result in ineligibility for, or forfeiture of, office or position of employment, as the case may be; provided, however, that if the notice of failure to file a statement of economic interests provided in Section 4A-105 of this Act is not given by the Secretary of State or the county clerk, as the case may be, no forfeiture shall result if a statement is filed within 30 days of actual notice of the failure to file. The Secretary of State shall provide the Attorney General with the names of persons who failed to file a statement. The county clerk shall provide the State's Attorney of the county of the entity for which the filing of statement of economic interest is required with the name of persons who failed to file a statement.

The Attorney General, with respect to offices or positions described in items (a) through (f) and items (j), ~~and~~ (l) , and (n) of Section 4A-101 of this Act, or the State's Attorney of the county of the entity for which the filing of statements of economic interests is required, with respect to offices or positions described in items (g) through (i), ~~and~~ item (k) , and item (o) of Section 4A-101 of this Act, shall bring an action in quo warranto against any person who has failed to file by either May 31 or June 30 of any given year.

(Source: P.A. 93-617, eff. 12-9-03.)

Section 10. The State Officials and Employees Ethics Act is amended by changing Section 1-5 as follows:

(5 ILCS 430/1-5)

Sec. 1-5. Definitions. As used in this Act:

"Appointee" means a person appointed to a position in or with a State agency, regardless of whether the position is compensated.

"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official State duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected State office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at either a general primary election or general election.

"Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act.

"Commission" means an ethics commission created by this Act.

"Compensated time" means any time worked by or credited to a State employee that counts toward any minimum work time requirement imposed as a condition of employment with a State agency, but does not include any designated State holidays or any period when the employee is on a leave of absence.

"Compensatory time off" means authorized time off earned by or awarded to a State employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of employment with a State agency.

"Contribution" has the same meaning as that term is defined in Section 9-1.4 of the Election Code.

"Employee" means (i) any person employed full-time, part-time, or pursuant to a contract and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed or (ii) any appointed or elected commissioner, trustee, director, or board member of a board of a State agency, including any retirement system or investment board subject to the Illinois Pension Code or (iii) any other appointee.

"Executive branch constitutional officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an employee, member, or officer.

"Governmental entity" means a unit of local government (including a community college district) or a school district but not a State agency.

"Leave of absence" means any period during which a State employee does not receive (i) compensation for State employment, (ii) service credit towards State pension benefits, and (iii) health insurance benefits paid for by the State.

"Legislative branch constitutional officer" means a member of the General Assembly and the Auditor General.

"Legislative leader" means the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives.

"Member" means a member of the General Assembly.

"Officer" means an executive branch constitutional officer or a legislative branch constitutional officer.

"Political" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official State duties or governmental and public service functions.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code, but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign contribution.

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election, except to the extent that under subsection (d) of Section 6 of Article IV of the Illinois Constitution each house of the General Assembly shall judge the elections, returns, and qualifications of its members.

"Prohibited source" means any person or entity who:

(1) is seeking official action (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

(2) does business or seeks to do business (i) with the member or officer or (ii) in the case of an employee, with the employee or with the member, officer, State agency, or other employee directing the employee;

(3) conducts activities regulated (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the member, officer, or employee; or

(5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors.

"State agency" includes all officers, boards, commissions and agencies created by the Constitution, whether in the executive or legislative branch; all officers, departments, boards, commissions, agencies, institutions, authorities, public institutions of higher learning as defined in Section 2 of the Higher Education Cooperation Act (except community colleges), and bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State government which are created by or pursuant to statute, other than units of local government (including community college districts) and their officers, school districts, and boards of election commissioners; and all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor. "State agency" includes the General Assembly, the Senate, the House of Representatives, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, the Senate Operations Commission, and the legislative support services agencies. "State agency" includes the Office of the Auditor General. "State agency" does not include the judicial branch.

"State employee" means any employee of a State agency.

"Ultimate jurisdictional authority" means the following:

(1) For members, legislative partisan staff, and legislative secretaries, the appropriate legislative leader: President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, or Minority Leader of the House of Representatives.

(2) For State employees who are professional staff or employees of the Senate and not covered under item (1), the Senate Operations Commission.

(3) For State employees who are professional staff or employees of the House of Representatives and not covered under item (1), the Speaker of the House of Representatives.

(4) For State employees who are employees of the legislative support services agencies, the Joint Committee on Legislative Support Services.

(5) For State employees of the Auditor General, the Auditor General.

(6) For State employees of public institutions of higher learning as defined in Section 2 of the Higher Education Cooperation Act (except community colleges), the board of trustees of the appropriate public institution of higher learning.

(7) For State employees of an executive branch constitutional officer other than those described in paragraph (6), the appropriate executive branch constitutional officer.

(8) For State employees not under the jurisdiction of paragraph (1), (2), (3), (4), (5), (6), or (7), the Governor.

(Source: P.A. 95-880, eff. 8-19-08.)

Section 12. The State Treasurer Act is amended by adding Section 16.10 as follows:

(15 ILCS 505/16.10 new)

Sec. 16.10. Working group; peer cost comparison. There is created a working group within the Office of the State Treasurer to develop uniform standards for peer cost comparisons. The working group must consist of one representative from each retirement system or investment board created under Article 2, Articles 5 through 18, Article 22, and Article 22A of the Illinois Pension Code, one person representing the pension funds created under Article 3 of the Illinois Pension Code collectively, one person representing the pension funds created under Article 4 of the Illinois Pension Code collectively, and one representative of the financial industry. The purpose of the working group is to develop standards and make recommendations to the General Assembly. The Treasurer must submit a report, on behalf of the working group, to the Governor and General Assembly by January 1, 2010.

Section 15. The Illinois Pension Code is amended by changing Sections 1-101.2, 1-109.1, 1-110, 1-113.5, 1-125, 8-192, 14-134, 14-134.1, 15-159, 16-164, and 22A-109 and by adding Sections 1-101.5, 1-113.14, 1-113.16, 1-113.18, 1-130, 1-135, 1-145, and 1-150 as follows:

(40 ILCS 5/1-101.2)

Sec. 1-101.2. Fiduciary. A person is a "fiduciary" with respect to a pension fund or retirement system established under this Code to the extent that the person:

(1) exercises any discretionary authority or discretionary control respecting management of the pension fund or retirement system, or exercises any authority or control respecting management or disposition of its assets;

(2) renders investment advice or renders advice on the selection of fiduciaries for a fee or other compensation, direct or indirect, with respect to any moneys or other property of the pension fund or retirement system, or has any authority or responsibility to do so; or

(3) has any discretionary authority or discretionary responsibility in the administration of the pension fund or retirement system.

(Source: P.A. 90-507, eff. 8-22-97.)

(40 ILCS 5/1-101.5 new)

Sec. 1-101.5. Consultant.

"Consultant" means any person or entity retained or employed by the board of a retirement system, pension fund, or investment board to make recommendations in developing an investment strategy, assist with finding appropriate investment advisers, or monitor the board's investments. "Consultant" does not include non-investment related professionals or professionals offering services that are not directly related to the investment of assets, such as legal counsel, actuary, proxy-voting services, services used to track compliance with legal standards, and investment fund of funds where the board has no direct contractual relationship with the investment advisers or partnerships. "Investment adviser" has the meaning ascribed to it in Section 1-101.4.

(40 ILCS 5/1-109.1) (from Ch. 108 1/2, par. 1-109.1)

Sec. 1-109.1. Allocation and Delegation of Fiduciary Duties.

(1) Subject to the provisions of Section 22A-113 of this Code and subsections (2) and (3) of this Section, the board of trustees of a retirement system or pension fund established under this Code may:

(a) Appoint one or more investment managers as fiduciaries to manage (including the power to acquire and dispose of) any assets of the retirement system or pension fund; and

(b) Allocate duties among themselves and designate others as fiduciaries to carry out specific fiduciary activities other than the management of the assets of the retirement system or pension fund.

(2) The board of trustees of a pension fund established under Article 5, 6, 8, 9, 10, 11, 12 or 17 of this Code may not transfer its investment authority, nor transfer the assets of the fund to any other person or

entity for the purpose of consolidating or merging its assets and management with any other pension fund or public investment authority, unless the board resolution authorizing such transfer is submitted for approval to the contributors and pensioners of the fund at elections held not less than 30 days after the adoption of such resolution by the board, and such resolution is approved by a majority of the votes cast on the question in both the contributors election and the pensioners election. The election procedures and qualifications governing the election of trustees shall govern the submission of resolutions for approval under this paragraph, insofar as they may be made applicable.

(3) Pursuant to subsections (h) and (i) of Section 6 of Article VII of the Illinois Constitution, the investment authority of boards of trustees of retirement systems and pension funds established under this Code is declared to be a subject of exclusive State jurisdiction, and the concurrent exercise by a home rule unit of any power affecting such investment authority is hereby specifically denied and preempted.

(4) For the purposes of this Code, "emerging investment manager" means a qualified investment adviser that manages an investment portfolio of at least $10,000,000 but less than $10,000,000,000 ~~$2,000,000,000~~ and is a "minority owned business" , ~~or~~ "female owned business" or "business owned by a person with a disability" as those terms are defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

It is hereby declared to be the public policy of the State of Illinois to encourage the trustees of public employee retirement systems, pension funds, and investment boards to use emerging investment managers in managing their ~~system's~~ assets , encompassing all asset classes, to the greatest extent feasible within the bounds of financial and fiduciary prudence, and to take affirmative steps to remove any barriers to the full participation of emerging investment managers in investment opportunities afforded by those retirement systems, pension funds, and investment boards.

On or before January 1, 2010, a retirement system, pension fund, or investment board subject to this Code, except those whose investments are restricted by Section 1-113.2 of this Code, shall adopt a policy for utilization of emerging investment managers. This policy shall include quantifiable goals for the management of assets in specific asset classes by emerging investment managers. The retirement system, pension fund, or investment board shall establish 3 separate goals for: (i) emerging investment managers that are minority owned businesses; (ii) emerging investment managers that are female owned businesses; and (iii) emerging investment managers that are businesses owned by a person with a disability. The goals established shall be based on the percentage of total dollar amount of investment service contracts let to minority owned businesses, female owned businesses, and businesses owned by a person with a disability, as those terms are defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. The retirement system, pension fund, or investment board shall annually review the goals established under this subsection.

~~Each retirement system subject to this Code shall prepare a report to be submitted to the Governor and the General Assembly by September 1 of each year. The report shall identify the emerging investment managers used by the system, the percentage of the system's assets under the investment control of emerging investment managers, and the actions it has undertaken to increase the use of emerging investment managers, including encouraging other investment managers to use emerging investment managers as subcontractors when the opportunity arises.~~

The use of an emerging investment manager does not constitute a transfer of investment authority for the purposes of subsection (2) of this Section.

(5) Each retirement system, pension fund, or investment board subject to this Code, except those whose investments are restricted by Section 1-113.2 of this Code, shall establish a policy with the goal of increasing the racial, ethnic, and gender diversity of its fiduciaries, including its consultants and senior staff. Each system, fund, and investment board shall annually review the goals established under this subsection.

(6) On or before January 1, 2010, a retirement system, pension fund, or investment board subject to this Code, except those whose investments are restricted by Section 1-113.2 of this Code, shall adopt a policy that sets forth goals for utilization of businesses owned by minorities, females, and persons with disabilities for all contracts and services. The goals established shall be based on the percentage of total dollar amount of all contracts let to minority owned businesses, female owned businesses, and businesses owned by a person with a disability, as those terms are defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. The retirement system, pension fund, or investment board shall annually review the goals established under this subsection. Each retirement system, pension fund, and investment board shall post upon its web site a description of the policy and goals, including a description of the contracts awarded to businesses owned by minorities, females, and persons with disabilities.

(7) On or before January 1, 2010, a retirement system, pension fund, or investment board subject to this Code, except those whose investments are restricted by Section 1-113.2 of this Code, shall adopt a policy for increasing the utilization of minority broker-dealers. For the purposes of this Code, "minority broker-dealer" means a qualified broker-dealer who meets the definition of "minority owned business", "female owned business", or "business owned by a person with a disability", as those terms are defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. The retirement system, pension fund, or investment board shall annually review the goals established under this Section.

(8) Each retirement system, pension fund, and investment board subject to this Code, except those whose investments are restricted by Section 1-113.2 of this Code, shall submit a report to the Governor and the General Assembly by January 1 of each year that includes the following: (i) the policy adopted under subsection (4) of this Section, including the names and addresses of the emerging investment managers used, percentage of the assets under the investment control of emerging investment managers for the 3 separate goals, and the actions it has undertaken to increase the use of emerging investment managers, including encouraging other investment managers to use emerging investment managers as subcontractors when the opportunity arises; (ii) the policy adopted under subsection (5) of this Section; (iii) the policy adopted under subsection (6) of this Section; and (iv) the policy adopted under subsection (7) of this Section, including specific actions undertaken to increase the use of minority broker-dealers.

(Source: P.A. 94-471, eff. 8-4-05.)

(40 ILCS 5/1-110) (from Ch. 108 1/2, par. 1-110)

Sec. 1-110. Prohibited Transactions.

(a) A fiduciary with respect to a retirement system, ~~or~~ pension fund , or investment board shall not cause the retirement system or pension fund to engage in a transaction if he or she knows or should know that such transaction constitutes a direct or indirect:

(1) Sale or exchange, or leasing of any property from the retirement system or pension fund to a party in interest for less than adequate consideration, or from a party in interest to a retirement system or pension fund for more than adequate consideration.

(2) Lending of money or other extension of credit from the retirement system or pension fund to a party in interest without the receipt of adequate security and a reasonable rate of interest, or from a party in interest to a retirement system or pension fund with the provision of excessive security or an unreasonably high rate of interest.

(3) Furnishing of goods, services or facilities from the retirement system or pension fund to a party in interest for less than adequate consideration, or from a party in interest to a retirement system or pension fund for more than adequate consideration.

(4) Transfer to, or use by or for the benefit of, a party in interest of any assets of a retirement system or pension fund for less than adequate consideration.

(b) A fiduciary with respect to a retirement system or pension fund established under this Code shall not:

(1) Deal with the assets of the retirement system or pension fund in his own interest or for his own account;

(2) In his individual or any other capacity act in any transaction involving the retirement system or pension fund on behalf of a party whose interests are adverse to the interests of the retirement system or pension fund or the interests of its participants or beneficiaries; or

(3) Receive any consideration for his own personal account from any party dealing with the retirement system or pension fund in connection with a transaction involving the assets of the retirement system or pension fund.

(c) Nothing in this Section shall be construed to prohibit any trustee from:

(1) Receiving any benefit to which he may be entitled as a participant or beneficiary in the retirement system or pension fund.

(2) Receiving any reimbursement of expenses properly and actually incurred in the performance of his duties with the retirement system or pension fund.

(3) Serving as a trustee in addition to being an officer, employee, agent or other representative of a party in interest.

(d) A fiduciary of a pension fund established under Article 3 or 4 shall not knowingly cause or advise the pension fund to engage in an investment transaction when the fiduciary (i) has any direct interest in the income, gains, or profits of the investment adviser ~~advisor~~ through which the investment transaction is made or (ii) has a business relationship with that investment adviser ~~advisor~~ that would result in a pecuniary benefit to the fiduciary as a result of the investment transaction.

Violation of this subsection (d) is a Class 4 felony.

(e) A board member, employee, or consultant with respect to a retirement system, pension fund, or investment board subject to this Code, except those whose investments are restricted by Section 1-113.2, shall not knowingly cause or advise the retirement system, pension fund, or investment board to engage in an investment transaction with an investment adviser when the board member, employee, consultant, or their spouse (i) has any direct interest in the income, gains, or profits of the investment adviser through which the investment transaction is made or (ii) has a relationship with that investment adviser that would result in a pecuniary benefit to the board member, employee, or consultant or spouse of such board member, employee, or consultant as a result of the investment transaction. For purposes of this subsection (e), a consultant includes an employee or agent of a consulting firm who has greater than 7.5% ownership of the consulting firm.

Violation of this subsection (e) is a Class 4 felony.

(Source: P.A. 95-950, eff. 8-29-08.)

(40 ILCS 5/1-113.5)

Sec. 1-113.5. Investment advisers and investment services for all Article 3 or 4 pension funds.

(a) The board of trustees of a pension fund may appoint investment advisers as defined in Section 1-101.4. The board of any pension fund investing in common or preferred stock under Section 1-113.4 shall appoint an investment adviser before making such investments.

The investment adviser shall be a fiduciary, as defined in Section 1-101.2, with respect to the pension fund and shall be one of the following:

(1) an investment adviser registered under the federal Investment Advisers Act of 1940 and the Illinois Securities Law of 1953;

(2) a bank or trust company authorized to conduct a trust business in Illinois;

(3) a life insurance company authorized to transact business in Illinois; or

(4) an investment company as defined and registered under the federal Investment Company Act of 1940 and registered under the Illinois Securities Law of 1953.

(a-5) Notwithstanding any other provision of law, a person or entity that provides consulting services (referred to as a "consultant" in this Section) to a pension fund with respect to the selection of fiduciaries may not be awarded a contract to provide those consulting services that is more than 5 years in duration. No contract to provide such consulting services may be renewed or extended. At the end of the term of a contract, however, the contractor is eligible to compete for a new contract. No person shall attempt to avoid or contravene the restrictions of this subsection by any means. All offers from responsive offerors shall be accompanied by disclosure of the names and addresses of the following:

(1) The offeror.

(2) Any entity that is a parent of, or owns a controlling interest in, the offeror.

(3) Any entity that is a subsidiary of, or in which a controlling interest is owned by, the offeror.

Beginning on July 1, 2008, a person, other than a trustee or an employee of a pension fund or retirement system, may not act as a consultant under this Section unless that person is at least one of the following: (i) registered as an investment adviser under the federal Investment Advisers Act of 1940 (15 U.S.C. 80b-1, et seq.); (ii) registered as an investment adviser under the Illinois Securities Law of 1953; (iii) a bank, as defined in the Investment Advisers Act of 1940; or (iv) an insurance company authorized to transact business in this State.

(b) All investment advice and services provided by an investment adviser or a consultant appointed under this Section shall be rendered pursuant to a written contract between the investment adviser and the board, and in accordance with the board's investment policy.

The contract shall include all of the following:

(1) acknowledgement in writing by the investment adviser that he or she is a fiduciary with respect to the pension fund;

(2) the board's investment policy;

(3) full disclosure of direct and indirect fees, commissions, penalties, and any other compensation that may be received by the investment adviser, including reimbursement for expenses; and

(4) a requirement that the investment adviser submit periodic written reports, on at least a quarterly basis, for the board's review at its regularly scheduled meetings. All returns on investment shall be reported as net returns after payment of all fees, commissions, and any other compensation.

(b-5) Each contract described in subsection (b) shall also include (i) full disclosure of direct and indirect

fees, commissions, penalties, and other compensation, including reimbursement for expenses, that may be paid by or on behalf of the investment adviser or consultant in connection with the provision of services to the pension fund and (ii) a requirement that the investment adviser or consultant update the disclosure promptly after a modification of those payments or an additional payment.

Within 30 days after the effective date of this amendatory Act of the 95th General Assembly, each investment adviser and consultant providing services on the effective date or subject to an existing contract for the provision of services must disclose to the board of trustees all direct and indirect fees, commissions, penalties, and other compensation paid by or on behalf of the investment adviser or consultant in connection with the provision of those services and shall update that disclosure promptly after a modification of those payments or an additional payment.

A person required to make a disclosure under subsection (d) is also required to disclose direct and indirect fees, commissions, penalties, or other compensation that shall or may be paid by or on behalf of the person in connection with the rendering of those services. The person shall update the disclosure promptly after a modification of those payments or an additional payment.

The disclosures required by this subsection shall be in writing and shall include the date and amount of each payment and the name and address of each recipient of a payment.

(c) Within 30 days after appointing an investment adviser or consultant, the board shall submit a copy of the contract to the Division of Insurance of the Department of Financial and Professional Regulation.

(d) Investment services provided by a person other than an investment adviser appointed under this Section, including but not limited to services provided by the kinds of persons listed in items (1) through (4) of subsection (a), shall be rendered only after full written disclosure of direct and indirect fees, commissions, penalties, and any other compensation that shall or may be received by the person rendering those services.

(e) The board of trustees of each pension fund shall retain records of investment transactions in accordance with the rules of the Department of Financial and Professional Regulation.

(Source: P.A. 95-950, eff. 8-29-08.)

(40 ILCS 5/1-113.14 new)

Sec. 1-113.14. Investment services for retirement systems, pension funds, and investment boards, except those funds established under Articles 3 and 4.

(a) For the purposes of this Section, "investment services" means services provided by an investment adviser or a consultant.

(b) The selection and appointment of an investment adviser or consultant for investment services by the board of a retirement system, pension fund, or investment board subject to this Code, except those whose investments are restricted by Section 1-113.2, shall be made and awarded in accordance with this Section. All contracts for investment services shall be awarded by the board using a competitive request for proposal process. A request for proposals shall appear on the web site of the retirement system, pension fund, or investment board and shall be posted in the Illinois Procurement Bulletin. For all investment services contracts with an annualized value of $25,000 or less, evaluation and ranking by price are required and the contract shall be awarded to the lowest qualified bidder. If the lowest qualified bidder is not selected for an investment services contract with an annualized value that exceeds the $25,000 threshold, the board must provide notice of who the lowest qualified bidder was and a written decision as to why another was selected. This notice shall be posted on its web site and in the Illinois Procurement Bulletin. Exceptions to this Section are allowed for sole source procurements, emergency procurements and, at the discretion of the pension fund, retirement system, or board of investment, for contracts that are nonrenewable, one year or less in duration, so long as the contract has a value of less than $20,000. All exceptions granted under this Section must still be published on the system's, fund's, or board's web site, shall name the person authorizing the procurement, and shall include a brief explanation of the reason for the exception.

A person, other than a trustee or an employee of a retirement system, pension fund, or investment board, may not act as a consultant or investment adviser under this Section unless that person is registered as an investment adviser under the federal Investment Advisers Act of 1940 (15 U.S.C. 80b-1, et seq.).

(c) Investment services provided by an investment adviser or a consultant appointed under this Section shall be rendered pursuant to a written contract between the investment adviser or consultant and the board. A description of every contract, including the terms, must be posted on the retirement system's, pension fund's, or investment board's web site.

The contract shall include all of the following:

(1) Acknowledgement in writing by the investment adviser or consultant that he or she is a fiduciary

with respect to the pension fund or retirement system.

(2) The description of the board's investment policy and notice that the policy is subject to change.

(3) (i) Full disclosure of direct and indirect fees, commissions, penalties, and other compensation, including reimbursement for expenses, that may be paid by or on behalf of the consultant in connection with the provision of services to the pension fund or retirement system and (ii) a requirement that the consultant update the disclosure promptly after a modification of those payments or an additional payment.

(4) A requirement that the investment adviser or consultant, in conjunction with the board's staff, submit periodic written reports, on at least a quarterly basis, for the board's review at its regularly scheduled meetings. All returns on investment shall be reported as net returns after payment of all fees, commissions, and any other compensation.

(5) Disclosure of the names and addresses of (i) the consultant or investment adviser; (ii) any entity that is a parent of, or owns a controlling interest in, the consultant or investment adviser; (iii) any entity that is a subsidiary of, or in which a controlling interest is owned by, the consultant or investment adviser; (iv) any persons who have an ownership or distributive income share in the consultant or investment adviser that is in excess of 7.5%; or (v) serves as an executive officer of the consultant or investment adviser.

(6) A disclosure of the names and addresses of all subcontractors, if applicable, and the expected amount of money each will receive under the contract, including an acknowledgment that the contractor must promptly make notification, in writing, if at any time during the term of the contract a contractor adds or changes any subcontractors.

(7) A description of service to be performed.

(8) A description of the need for the service.

(9) A description of the plan for post-performance review.

(10) A description of the qualifications necessary.

(11) The duration of the contract.

(12) The method for charging and measuring cost.

(d) Notwithstanding any other provision of law, a retirement system, pension fund, or investment board subject to this Code, except those whose investments are restricted by Section 1-113.2 of this Code, shall not enter into a contract for investment services that exceeds 5 years in duration. No contract to provide such investment services may be renewed or extended. At the end of the term of a contract, however, the contractor is eligible to compete for a new contract as provided in this Section. No retirement system, pension fund, or investment board shall attempt to avoid or contravene the restrictions of this subsection (d) by any means.

(e) Within 60 days after the effective date of this amendatory Act of the 96th General Assembly, each investment adviser or consultant currently providing services or subject to an existing contract for the provision of services must disclose to the board of trustees all direct and indirect fees, commissions, penalties, and other compensation paid by or on behalf of the investment adviser or consultant in connection with the provision of those services and shall update that disclosure promptly after a modification of those payments or an additional payment. The person shall update the disclosure promptly after a modification of those payments or an additional payment. The disclosures required by this subsection (e) shall be in writing and shall include the date and amount of each payment and the name and address of each recipient of a payment.

(f) The retirement system, pension fund, or board of investment shall develop uniform documents that shall be used for the solicitation, review, and acceptance of all investment services. The form shall include the terms contained in subsection (c) of this Section. All such uniform documents shall be posted in a conspicuous manner on the retirement system, pension fund, or investment board's web site. After evaluation, ranking, and selection, the pension fund, retirement system, or board of investment shall publish the names of the responsible procurement decision-maker, the successful respondent, the fees paid, and the total assessment amount applicable to the let contract on its web site.

(40 ILCS 5/1-113.16 new)

Sec. 1-113.16. Investment transparency.

(a) The purpose of this Section is to provide for transparency in the investment of retirement or pension funds and require the reporting of full and complete information regarding the investments by pension funds, retirement systems, and investment boards.

(b) A retirement system, pension fund, or investment board subject to this Code and any committees established by such system, fund, or board must comply with the Open Meetings Act.

(c) Any retirement system, pension fund, or investment board subject to this Code that establishes a committee shall ensure that the majority of the members on such committee are board members. If any

member of a committee is not a member of the board for the system, fund, or board, then that committee member shall be a fiduciary.

(d) A retirement system, pension fund, or investment board subject to this Code, except those whose investments are restricted by Section 1-113.2, shall maintain an official web site and make available in a clear and conspicuous manner, and update at least quarterly, all of the following information concerning the investment of public funds:

(1) The total amount of funds held by the pension fund, retirement system, or investment board.

(2) The asset allocation for the investments made by the pension fund, retirement system, or investment board.

(3) Current and historic return information.

(4) A detailed listing of the investment advisers for all asset classes.

(5) Performance of investments compared against established benchmarks.

(6) A detailed list of all consultants doing business with the retirement system, pension fund, or investment board.

(7) A detailed list of all contractors, other than investment advisers and consultants, doing business with the retirement system, pension fund, or investment board.

(8) Any requests for proposals for investment services.

(9) The names and email addresses of all board members, directors, and senior staff.

(10) The report required under Section 1-109.1 of this Code, if applicable.

(11) Any other information the board determines that will increase transparency.

(e) A pension fund whose investments are restricted by Section 1-113.2 of this Code shall make the information required in subsection (d) of this Section available on its web site or in a location that allows the information to be available for inspection by the public.

(f) Nothing in this Section requires the pension fund, retirement system, or investment board to make information available on the Internet that is exempt from inspection and copying under the Freedom of Information Act.

(40 ILCS 5/1-113.18 new)

Sec. 1-113.18. Ethics training. All board members of a retirement system, pension fund, or investment board created under this Code must attend ethics training of at least 8 hours per year. The training required under this Section shall include training on ethics, fiduciary duty, and investment issues and any other curriculum that the board of the retirement system, pension fund, or investment board establishes as being important for the administration of the retirement system, pension fund, or investment board. Each board shall annual certify its members' compliance with this Section and submit an annual certification to the Division of Insurance of the Department of Financial and Professional Regulation.

(40 ILCS 5/1-125)

Sec. 1-125. Prohibition on gifts.

(a) For the purposes of this Section:

"Gift" means a gift as defined in Section 1-5 of the State Officials and Employees Ethics Act.

"Prohibited source" means a person or entity who:

(i) is seeking official action (A) by the board or (B) by a board member;

(ii) does business or seeks to do business (A) with the board or (B) with a board member;

(iii) has interests that may be substantially affected by the performance or non-performance of the official duties of the board member; or

(iv) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors.

(b) No trustee or employee of a retirement system, pension fund, or investment board created under ~~board created under Article 3 or 4 of~~ this Code shall intentionally solicit or accept any gift from any prohibited source as prescribed in Article 10 of the State Officials and Employees Ethics Act . The ~~, including the~~ exceptions contained in Section 10-15 of that Act, other than paragraphs (4) and (5) of that Section shall apply to trustees and employees of a retirement system, pension fund, or investment board created under this Code. Solicitation or acceptance of educational materials, however, is not prohibited. For the purposes of this Section, references to "State employee" and "employee" in Article 10 of the State Officials and Employees Ethics Act shall include a trustee or employee of a retirement system, pension fund, or investment board created under ~~a board created under Article 3 or 4 of~~ this Code.

(c) A municipality may adopt or maintain policies or ordinances that are more restrictive than those set forth in this Section and may continue to follow any existing policies or ordinances that are more restrictive or are in addition to those set forth in this Section.

(d) To the extent that the provisions of this Section conflict with the provisions of the State Officials and Employees Ethics Act, the provisions of this Section control.

(e) ~~(d)~~ Violation of this Section is a Class A misdemeanor.

(Source: P.A. 95-950, eff. 8-29-08.)

(40 ILCS 5/1-130 new)

Sec. 1-130. No monetary gain on investments. No member or employee of the board of trustees of any retirement system, pension fund, or investment board created under this Code nor any spouse of such member or employee shall knowingly have any direct interest in the income, gains, or profits of any investments made on behalf of a retirement system, pension fund, or investment board created under this Code for which such person is a member or employee, nor receive any pay or emolument for services in connection with any investment. No member or employee of the board of trustees of any retirement system, pension fund, or investment board created under this Code shall become an endorser or surety, or in any manner an obligor for money loaned or borrowed from any retirement system or pension fund created under this Code or the Illinois State Board of Investment. For the purposes of this Section, an annuity otherwise provided in accordance with this Code or any income, gains, or profits related to any non-controlling interest in any public securities, mutual fund, or other passive investment is not considered monetary gain on investments.

Violation of this Section is a Class 3 felony.

(40 ILCS 5/1-135 new)

Sec. 1-135. Fraud. Any person who knowingly makes any false statement or falsifies or permits to be falsified any record of a retirement system or pension fund created under this Code or the Illinois State Board of Investment in an attempt to defraud the retirement system or pension fund created under this Code or the Illinois State Board of Investment is guilty of a Class 3 felony.

(40 ILCS 5/1-145 new)

Sec. 1-145. Contingent and placement fees prohibited. No person or entity shall retain a person or entity to attempt to influence the outcome of an investment decision of or the procurement of investment advice or services of a retirement system, pension fund, or investment board of this Code for compensation, contingent in whole or in part upon the decision or procurement. Any person who violates this Section is guilty of a business offense and shall be fined not more than $10,000. In addition, any person convicted of a violation of this Section is prohibited for a period of 3 years from conducting such activities.

(40 ILCS 5/1-150 new)

Sec. 1-150. Approval of travel or educational mission. The expenses for travel or educational missions of a board member of a retirement system, pension fund, or investment board created under this Code, except those whose investments are restricted by Section 1-113.2 of this Code, must be approved by a majority of the board prior to the travel or educational mission.

(40 ILCS 5/8-192) (from Ch. 108 1/2, par. 8-192)

Sec. 8-192. Board created. A board of 5 members shall constitute a Board of Trustees authorized to carry out the provisions of this Article. The board shall be known as the Retirement Board of the Municipal Employees', Officers', and Officials' Annuity and Benefit Fund of the city, or for the sake of brevity may also be known and referred to as the Retirement Board of the Municipal Employees' Annuity and Benefit Fund of such city. The board shall consist of the city comptroller, the city treasurer, and 3 members who shall be employees, except that, the employee member whose term first expires after the effective date of this amendatory Act of the 96th General Assembly shall be replaced with a member who is a an annuitant member.

The employee members shall ~~, to~~ be elected as follows:

Within 30 days after the effective date, the mayor of the city shall arrange for and hold an election.

One employee shall be elected for a term ending on the first day in the month of December of the first year next following the effective date; one for a term ending December 1st of the following year; and one for a term ending on December 1st of the second following year.

The city comptroller, with the approval of the board, may appoint a designee from among employees of the city who are versed in the affairs of the comptroller's office to act in the absence of the comptroller on all matters pertaining to administering the provisions of this Article.

The members of a Retirement Board of a municipal employees', officers', and officials' annuity and benefit fund holding office in a city at the time this Article becomes effective, including elective and

ex-officio members, shall continue in office until the expiration of their terms and until their respective successors are elected or appointed and have qualified.

An employee member who takes advantage of the early retirement incentives provided under this amendatory Act of the 93rd General Assembly may continue as a member until the end of his or her term. (Source: P.A. 93-654, eff. 1-16-04.)

(40 ILCS 5/14-134) (from Ch. 108 1/2, par. 14-134)

Sec. 14-134. Board created. The retirement system created by this Article shall be a trust, separate and distinct from all other entities. The responsibility for the operation of the system and for making effective this Article is vested in a board of trustees.

The board shall consist of 7 trustees, as follows:

(a) the Director of the Governor's Office of Management and Budget; (b) the Comptroller; (c) one trustee, not a State employee, who shall be Chairman, to be appointed by the Governor for a 5 year term; (d) two members of the system, one of whom shall be an annuitant age 60 or over, having at least 8 years of creditable service, to be appointed by the Governor for terms of 5 years; (e) one member of the system having at least 8 years of creditable service, to be elected from the contributing membership of the system by the contributing members as provided in Section 14-134.1; (f) one annuitant of the system who has been an annuitant for at least one full year, to be elected from and by the annuitants of the system, as provided in Section 14-134.1. The Director of the Governor's Office of Management and Budget and the Comptroller shall be ex-officio members and shall serve as trustees during their respective terms of office, except that each of them may designate another officer or employee from the same agency to serve in his or her place. However, no ex-officio member may designate a different proxy within one year after designating a proxy unless the person last so designated has become ineligible to serve in that capacity. Except for the elected trustees, any vacancy in the office of trustee shall be filled in the same manner as the office was filled previously.

A trustee shall serve until a successor qualifies, except that a trustee who is a member of the system shall be disqualified as a trustee immediately upon terminating service with the State.

Notwithstanding any provision of this Section to the contrary, the term of office of each trustee of the Board appointed by the Governor who is sitting on the Board on the effective date of this amendatory Act of the 96th General Assembly and the Director of the Governor's Office of Management and Budget is terminated on that effective date.

Beginning on the 30th day after the effective date of this amendatory Act of the 96th General Assembly, the board shall consist of 13 trustees as follows:

(1) the Comptroller, who shall be the Chairperson;

(2) six persons appointed by the Governor with the advice and consent of the Senate who may not be members of the system or hold an elective State office and who shall serve for a term of 5 years, except that the terms of the initial appointees under this amendatory Act of the 96th General Assembly shall be as follows: 3 for a term of 3 years and 3 for a term of 5 years;

(3) four active participants of the system having at least 8 years of creditable service, to be elected from the contributing members of the system by the contribution members as provided in Section 14-134.1; and

(4) two annuitants of the system who have been annuitants for at least one full year, to be elected from and by the annuitants of the system, as provided in Section 14-134.1.

The Governor shall make nominations for appointment under this Section within 30 days after the effective date of this amendatory Act of the 96th General Assembly. If the Governor nominates a successor for appointment within 30 days after the effective date of this amendatory Act of the 96th General Assembly, then the trustee sitting on the board on the effective date of this amendatory Act shall hold office until the successor is confirmed by the Senate. If the Governor fails to nominate a successor for any or all of the current trustees on or before the 30th day after the effective date of this amendatory Act of the 96th General Assembly, then the seats of those trustees shall become vacant until the Governor has appointed the successors with the advice and consent of the Senate.

Each trustee is entitled to one vote on the board, and 4 trustees shall constitute a quorum for the transaction of business. The affirmative votes of a majority of the trustees present, but at least 3 trustees, shall be necessary for action by the board at any meeting. On the 30th day after the effective date of this amendatory Act of the 96th General Assembly, 7 trustees shall constitute a quorum for the transaction of business and the affirmative vote of a majority of the trustees present, but at least 7 trustees, shall be necessary for action by the board at any meeting. The board's action of July 22, 1986, by which it amended the bylaws of the system to increase the number of affirmative votes required for board action from 3 to 4

(in response to Public Act 84-1028, which increased the number of trustees from 5 to 7), and the board's rejection, between that date and the effective date of this amendatory Act of 1993, of proposed actions not receiving at least 4 affirmative votes, are hereby validated.

The trustees shall serve without compensation, but shall be reimbursed from the funds of the system for all necessary expenses incurred through service on the board.

Each trustee shall take an oath of office that he or she will diligently and honestly administer the affairs of the system, and will not knowingly violate or willfully permit the violation of any of the provisions of law applicable to the system. The oath shall be subscribed to by the trustee making it, certified by the officer before whom it is taken, and filed with the Secretary of State. A trustee shall qualify for membership on the board when the oath has been approved by the board.

(Source: P.A. 94-793, eff. 5-19-06.)

(40 ILCS 5/14-134.1) (from Ch. 108 1/2, par. 14-134.1)

Sec. 14-134.1. Board-elected members-vacancies. The 2 elected trustees shall be elected, beginning in 1986 and every 5 years thereafter, for a term of 5 years beginning July 15 next following their election. The trustees to be elected under Section 14-134 of this Code in accordance with this amendatory Act of the 96th General Assembly shall be elected within 30 days after the effective date of this amendatory Act of the 96th General Assembly for a term of 5 years after the effective date of this amendatory Act. Trustees shall be elected every 5 years thereafter for a term of 5 years beginning July 15 next following their election. Elections shall be held on May 1, or on May 2 when May 1 falls on Sunday. Candidates for the contributing trustee shall be nominated by petitions in writing, signed by not less than 400 contributors with their addresses shown opposite their names. Candidates for the annuitant trustee shall be nominated by petitions in writing, signed by not less than 100 annuitants with their addresses shown opposite their names.

If there is more than one qualified nominee for either elected trustee, the board shall conduct a secret ballot election by mail for that trustee, in accordance with rules as established by the board.

If there is only one qualified person nominated by petition for either trustee, the election as required by this Section shall not be conducted for that trustee and the board shall declare such nominee duly elected.

A vacancy occurring in the elective membership of the board shall be filled for the unexpired term by the board.

(Source: P.A. 84-1028.)

(40 ILCS 5/15-159) (from Ch. 108 1/2, par. 15-159)

Sec. 15-159. Board created. A board of trustees constituted as provided in this Section shall administer this System. The board shall be known as the Board of Trustees of the State Universities Retirement System.

(b) Until July 1, 1995, the Board of Trustees shall be constituted as follows:

Two trustees shall be members of the Board of Trustees of the University of Illinois, one shall be a member of the Board of Trustees of Southern Illinois University, one shall be a member of the Board of Trustees of Chicago State University, one shall be a member of the Board of Trustees of Eastern Illinois University, one shall be a member of the Board of Trustees of Governors State University, one shall be a member of the Board of Trustees of Illinois State University, one shall be a member of the Board of Trustees of Northeastern Illinois University, one shall be a member of the Board of Trustees of Northern Illinois University, one shall be a member of the Board of Trustees of Western Illinois University, and one shall be a member of the Illinois Community College Board, selected in each case by their respective boards, and 2 shall be participants of the system appointed by the Governor for a 6 year term with the first appointment made pursuant to this amendatory Act of 1984 to be effective September 1, 1985, and one shall be a participant appointed by the Illinois Community College Board for a 6 year term, and one shall be a participant appointed by the Board of Trustees of the University of Illinois for a 6 year term, and one shall be a participant or annuitant of the system who is a senior citizen age 60 or older appointed by the Governor for a 6 year term with the first appointment to be effective September 1, 1985.

The terms of all trustees holding office under this subsection (b) on June 30, 1995 shall terminate at the end of that day and the Board shall thereafter be constituted as provided in subsection (c).

(c) Beginning July 1, 1995, the Board of Trustees shall be constituted as follows:

The Board shall consist of 9 trustees appointed by the Governor. Two of the trustees, designated at the time of appointment, shall be participants of the System. Two of the trustees, designated at the time of appointment, shall be annuitants of the System who are receiving retirement annuities under this Article. The 5 remaining trustees may, but need not, be participants or annuitants of the System.

The term of office of trustees appointed under this subsection (c) shall be 6 years, beginning on July 1. However, of the initial trustees appointed under this subsection (c), 3 shall be appointed for terms of 2

years, 3 shall be appointed for terms of 4 years, and 3 shall be appointed for terms of 6 years, to be designated by the Governor at the time of appointment.

The terms of all trustees holding office under this subsection (c) on the effective date of this amendatory Act of the 96th General Assembly shall terminate at the end of that day and the Board shall thereafter be constituted as provided in subsection (d). If the Governor makes a nomination for the appointments under subsection (d) of this Section within 30 days after the effective date of this amendatory Act of the 96th General Assembly, then the members sitting on the board on the effective date of this amendatory Act shall hold office until their successors are appointed and qualified. If the Governor fails to make a nomination for the appointments under subsection (d) of this Section on or before the 30th day after the effective date of this amendatory Act of the 96th General Assembly, then those seats shall become vacant until the Governor has appointed the successors with the advice and consent of the Senate.

(d) Beginning on the 30th day after the effective date of this amendatory Act of the 96th General Assembly, the Board of Trustees shall be constituted as follows:

(1) The Chairperson of the Board of Higher Education, who shall act as chairperson of this Board.

(2) Four trustees appointed by the Governor with the advice and consent of the Senate who may not be members of the system or hold an elective State office and who shall serve for a term of 6 years, except that the terms of the initial appointees under this subsection (d) shall be as follows: 2 for a term of 3 years and 2 for a term of 6 years.

(3) Four active participants of the system to be elected from the contributing membership of the system by the contributing members, no more than 2 of which may be from any of the University of Illinois campuses, who shall serve for a term of 6 years, except that the terms of the initial electees shall be as follows: 2 for a term of 3 years and 2 for a term of 6 years.

(4) Two annuitants of the system who have been annuitants for at least one full year, to be elected from and by the annuitants of the system, no more than one of which may be from any of the University of Illinois campuses, who shall serve for a term of 6 years, except that the terms of the initial electees shall be as follows: one for a term of 3 years and one for a term of 6 years.

(e) The 6 elected trustees shall be elected within 30 days after the effective date of this amendatory Act of the 96th General Assembly for a term beginning on the 30th day after the effective date of this amendatory Act. Trustees shall be elected thereafter as terms expire for a 6-year term beginning July 15 next following their election, and such election shall be held on May 1, or on May 2 when May 1 falls on a Sunday. Candidates for the participating trustee shall be nominated by petitions in writing, signed by not less than 400 participants with their addresses shown opposite their names. Candidates for the annuitant trustee shall be nominated by petitions in writing, signed by not less than 100 annuitants with their addresses shown opposite their names. If there is more than one qualified nominee for each elected trustee, then the board shall conduct a secret ballot election by mail for that trustee, in accordance with rules as established by the board. If there is only one qualified person nominated by petition for each elected trustee, then the election as required by this Section shall not be conducted for that trustee and the board shall declare such nominee duly elected. A vacancy occurring in the elective membership of the board shall be filled for the unexpired term by the elected trustees serving on the board for the remainder of the term.

(f) A vacancy on the board of trustees caused by resignation, death, expiration of term of office, or other reason shall be filled by a qualified person appointed by the Governor for the remainder of the unexpired term.

(g) Trustees (other than the trustees incumbent on June 30, 1995 or as provided in subsection (c) of this Section) shall continue in office until their respective successors are appointed and have qualified, except that a trustee appointed to one of the participant positions shall be disqualified immediately upon the termination of his or her status as a participant and a trustee appointed to one of the annuitant positions shall be disqualified immediately upon the termination of his or her status as an annuitant receiving a retirement annuity.

(h) ~~(d)~~ Each trustee must take an oath of office before a notary public of this State and shall qualify as a trustee upon the presentation to the board of a certified copy of the oath. The oath must state that the person will diligently and honestly administer the affairs of the retirement system, and will not knowingly violate or wilfully permit to be violated any provisions of this Article.

Each trustee shall serve without compensation but shall be reimbursed for expenses necessarily incurred in attending board meetings and carrying out his or her duties as a trustee or officer of the system.

(i) ~~(e)~~ This amendatory Act of 1995 is intended to supersede the changes made to this Section by Public Act 89-4.

(Source: P.A. 89-4, eff. 1-1-96; 89-196, eff. 7-21-95.)

(40 ILCS 5/16-164) (from Ch. 108 1/2, par. 16-164)

Sec. 16-164. Board - appointed members - vacancies. Terms of office for the appointed members shall begin on July 15 of an even-numbered year. The Governor shall appoint 2 members as trustees with the advice and consent of the Senate in each even-numbered year who shall hold office for a term of 4 years. Each such appointee shall reside in and be a taxpayer in the territory covered by this system, shall be interested in public school welfare, and experienced and competent in financial and business management. A vacancy in the term of an appointed trustee shall be filled for the unexpired term by appointment of the Governor.

Notwithstanding any provision of this Section to the contrary, the term of office of each member of the Board appointed by the Governor who is sitting on the Board on the effective date of this amendatory Act of the 96th General Assembly is terminated on that effective date. If the Governor makes a nomination for the appointments under this Section within 30 days after the effective date of this amendatory Act of the 96th General Assembly, then the members sitting on the board on the effective date of this amendatory Act shall hold office until their successors are appointed and qualified. If the Governor fails to make a nomination for the appointments under this Section on or before the 30th day after the effective date of this amendatory Act of the 96th General Assembly, then those seats shall become vacant until the Governor has appointed the successors with the advice and consent of the Senate.

(Source: P.A. 83-1440.)

(40 ILCS 5/22A-109) (from Ch. 108 1/2, par. 22A-109)

Sec. 22A-109. Membership of board. The board shall consist of the following members:

(1) Five trustees appointed by the Governor with the advice and consent of the Senate who may not hold an elective State office.

(2) The Treasurer.

(3) The Comptroller, who is the Chairperson of the State Employees' Retirement System of Illinois.

(4) The Chairperson of the General Assembly Retirement System.

(5) The Chairperson of the Judges Retirement System of Illinois.

~~(a) ex-officio members consisting of the State Treasurer and the Chairman of the board of trustees of each pension fund or retirement system, other than pension funds covered by Articles 3 and 4 of this Code, whose investment functions have been transferred to the jurisdiction of this board; and (b) 5 members appointed by the Governor with the approval of the Senate, one of whom shall be a senior citizen age 60 or over.~~ The appointive members shall serve for terms of 4 years except that the terms of office of the original appointive members pursuant to this amendatory Act of the 96th General Assembly shall be as follows: One member for a term of 1 year; 1 member for a term of 2 years; 1 member for a term of 3 years; and 2 members ~~1 member~~ for a term of 4 years. ~~The member first appointed under this amendatory Act of 1984 shall serve for a term of 4 years.~~ Vacancies among the appointive members shall be filled for unexpired terms by appointment in like manner as for original appointments, and appointive members shall continue in office until their successors have been appointed and have qualified. ~~Ex-officio members who cannot attend meetings of the board or its committees may respectively designate one appropriate proxy from within the office of the State Treasurer or the trustees of the pension fund or retirement system, which proxy shall have the same powers and authority as the ex-officio member being represented, but no member may designate a different proxy within one year after his last designation of a proxy unless the person last so designated has become ineligible to serve in that capacity.~~

Notwithstanding any provision of this Section to the contrary, the term of office of each member of the Board appointed by the Governor who is sitting on the Board on the effective date of this amendatory Act of the 96th General Assembly is terminated on that effective date. If the Governor makes a nomination for the appointments under this Section within 30 days after the effective date of this amendatory Act of the 96th General Assembly, then the members sitting on the board on the effective date of this amendatory Act shall hold office until their successors are appointed and qualified. If the Governor fails to make a nomination for the appointments under this Section on or before the 30th day after the effective date of this amendatory Act of the 96th General Assembly, then those seats shall become vacant until the Governor has appointed the successors with the advice and consent of the Senate.

Each person appointed to membership shall qualify by taking an oath of office before the Secretary of State stating that he will diligently and honestly administer the affairs of the board and will not violate or knowingly permit the violation of any provisions of this Article.

Members of the board shall receive no salary for service on the board but shall be reimbursed for travel expenses incurred while on business for the board according to the standards in effect for members of the Illinois Legislative Research Unit.

A majority of the members of the board shall constitute a quorum. The board shall elect from its membership, biennially, a Chairman, Vice Chairman and a Recording Secretary. These officers, together with one other member elected by the board, shall constitute the executive committee. During the interim between regular meetings of the board, the executive committee shall have authority to conduct all business of the board and shall report such business conducted at the next following meeting of the board for ratification.

No member of the board shall have any interest in any brokerage fee, commission or other profit or gain arising out of any investment made by the board. This paragraph does not preclude ownership by any member of any minority interest in any common stock or any corporate obligation in which investment is made by the board.

The board shall contract for a blanket fidelity bond in the penal sum of not less than $1,000,000.00 to cover members of the board, the director and all other employees of the board conditioned for the faithful performance of the duties of their respective offices, the premium on which shall be paid by the board. The bond shall be filed with the State Treasurer for safekeeping.

(Source: P.A. 87-1265.)

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect upon becoming law.".

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

At the hour of 5:03 o'clock p.m., Representative Currie moved that the House do now adjourn until Wednesday, April 1, 2009, at 11:00 o'clock a.m., allowing perfunctory time for the Clerk.

The motion prevailed.

And the House stood adjourned.

NO. 1

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
QUORUM ROLL CALL FOR ATTENDANCE

March 31, 2009

0 YEAS 0 NAYS 117 PRESENT

| | | | |
|---|---|---|---|
| P Acevedo | P Davis, Monique | P Jefferson | P Reis |
| P Arroyo | P Davis, William | P Joyce | P Reitz |
| P Bassi | P DeLuca | P Kosel | P Riley |
| P Beaubien | P Dugan | P Lang | P Rita |
| P Beiser | P Dunkin | P Leitch | P Rose |
| P Bellock | P Durkin | P Lyons | P Ryg |
| P Berrios | P Eddy | P Mathias | P Sacia |
| P Biggins | P Farnham | P Mautino | P Saviano |
| P Black | P Feigenholtz | P May | P Schmitz |
| E Boland | P Flider | P McAsey | P Senger |
| P Bost | P Flowers | P McAuliffe | P Smith |
| P Bradley | P Ford | P McCarthy | P Sommer |
| P Brady | P Fortner | P McGuire | P Soto |
| P Brauer | P Franks | P Mell | P Stephens |
| P Brosnahan | P Fritchey | P Mendoza | P Sullivan |
| P Burke | P Froehlich | P Miller | P Thapedi |
| P Burns | P Golar | P Mitchell, Bill | P Tracy |
| P Cavaletto | P Gordon, Careen | P Mitchell, Jerry | P Tryon |
| P Chapa LaVia | P Gordon, Jehan | P Moffitt (ADDED) | P Turner |
| P Coladipietro | P Graham | P Mulligan (ADDED) | P Verschoore |
| P Cole | P Hamos | P Myers | P Wait |
| P Collins | P Hannig | P Nekritz | P Walker |
| P Colvin | P Harris | P Osmond | P Washington |
| P Connelly | P Hatcher | P Osterman | P Watson |
| P Coulson | P Hernandez | P Phelps | P Winters |
| P Crespo | P Hoffman | P Pihos | P Yarbrough |
| P Cross | P Holbrook | P Poe | P Zalewski |
| P Cultra | P Howard | P Pritchard | P Mr. Speaker |
| P Currie | P Jackson | P Ramey | |
| P D'Amico | P Jakobsson | P Reboletti | |

E - Denotes Excused Absence

NO. 2

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 770
STORAGE TANK FUND-SWEEPS
THIRD READING
PASSED

March 31, 2009

115 YEAS 0 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Ryg |
| Y Berrios | Y Eddy | Y Mathias | Y Sacia |
| Y Biggins | Y Farnham | Y Mautino | Y Saviano |
| Y Black | Y Feigenholtz | Y May | Y Schmitz |
| E Boland | Y Flider | Y McAsey | Y Senger |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | Y Stephens |
| Y Brosnahan | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burke | Y Froehlich | Y Miller | Y Thapedi |
| Y Burns | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | E Moffitt | Y Turner |
| Y Coladipietro | Y Graham | E Mulligan | Y Verschoore |
| Y Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | Y Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| Y Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 3

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 962
$AG-CASA GRANT
THIRD READING
PASSED

March 31, 2009

91 YEAS 24 NAYS 1 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | N Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| N Bassi | Y DeLuca | N Kosel | Y Riley |
| N Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | N Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Ryg |
| Y Berrios | N Eddy | Y Mathias | Y Sacia |
| Y Biggins | Y Farnham | Y Mautino | Y Saviano |
| Y Black | Y Feigenholtz | Y May | N Schmitz |
| E Boland | Y Flider | Y McAsey | Y Senger |
| N Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | N Sommer |
| N Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | N Stephens |
| Y Brosnahan | Y Fritchey | Y Mendoza | N Sullivan |
| Y Burke | Y Froehlich | Y Miller | Y Thapedi |
| Y Burns | Y Golar | N Mitchell, Bill | N Tracy |
| Y Cavaletto | Y Gordon, Careen | N Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | E Mulligan | Y Verschoore |
| Y Cole | Y Hamos | N Myers | N Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | N Osmond | Y Washington |
| N Connelly | Y Hatcher | Y Osterman | P Watson |
| Y Coulson | Y Hernandez | Y Phelps | N Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| N Cross | Y Holbrook | Y Poe | Y Zalewski |
| N Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| Y Currie | Y Jackson | N Ramey | |
| Y D'Amico | Y Jakobsson | N Reboletti | |

E - Denotes Excused Absence

NO. 4

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4206
DCEO-VETS-SMALL BUSINESS LOAN
THIRD READING
PASSED

March 31, 2009

116 YEAS 0 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Ryg |
| Y Berrios | Y Eddy | Y Mathias | Y Sacia |
| Y Biggins | Y Farnham | Y Mautino | Y Saviano |
| Y Black | Y Feigenholtz | Y May | Y Schmitz |
| E Boland | Y Flider | Y McAsey | Y Senger |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | Y Stephens |
| Y Brosnahan | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burke | Y Froehlich | Y Miller | Y Thapedi |
| Y Burns | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | E Mulligan | Y Verschoore |
| Y Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | Y Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| Y Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 5

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3721
VEH CD-EXCESSIVE NOISE
THIRD READING
PASSED

March 31, 2009

116 YEAS 0 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Ryg |
| Y Berrios | Y Eddy | Y Mathias | Y Sacia |
| Y Biggins | Y Farnham | Y Mautino | Y Saviano |
| Y Black | Y Feigenholtz | Y May | Y Schmitz |
| E Boland | Y Flider | Y McAsey | Y Senger |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | Y Stephens |
| Y Brosnahan | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burke | Y Froehlich | Y Miller | Y Thapedi |
| Y Burns | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | E Mulligan | Y Verschoore |
| Y Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | Y Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| Y Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 6

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 466
MUNI CD-ANNEXATION
THIRD READING
PASSED

March 31, 2009

81 YEAS 33 NAYS 2 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | N Reis |
| Y Arroyo | Y Davis, William | N Joyce | Y Reitz |
| Y Bassi | Y DeLuca | N Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | N Leitch | P Rose |
| Y Bellock | N Durkin | Y Lyons | Y Ryg |
| Y Berrios | Y Eddy | Y Mathias | Y Sacia |
| Y Biggins | N Farnham | Y Mautino | Y Saviano |
| Y Black | Y Feigenholtz | Y May | N Schmitz |
| E Boland | N Flider | N McAsey | N Senger |
| N Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | N McCarthy | N Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | N Franks | Y Mell | Y Stephens |
| N Brosnahan | N Fritchey | Y Mendoza | Y Sullivan |
| Y Burke | N Froehlich | N Miller | Y Thapedi |
| Y Burns | Y Golar | N Mitchell, Bill | N Tracy |
| N Cavaletto | Y Gordon, Careen | N Mitchell, Jerry | Y Tryon |
| N Chapa LaVia | N Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | E Mulligan | Y Verschoore |
| Y Cole | Y Hamos | N Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | N Walker |
| P Colvin | Y Harris | N Osmond | Y Washington |
| N Connelly | Y Hatcher | N Osterman | N Watson |
| N Coulson | Y Hernandez | Y Phelps | Y Winters |
| N Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| Y Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | N Reboletti | |

E - Denotes Excused Absence

NO. 7

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 2314
$DHS-FETAL ALCOHOL SPECTRUM
THIRD READING
PASSED

March 31, 2009

79 YEAS 36 NAYS 1 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | N Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| N Bassi | Y DeLuca | N Kosel | Y Riley |
| N Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | N Leitch | Y Rose |
| P Bellock | N Durkin | Y Lyons | Y Ryg |
| Y Berrios | N Eddy | Y Mathias | Y Sacia |
| Y Biggins | Y Farnham | Y Mautino | Y Saviano |
| N Black | Y Feigenholtz | Y May | N Schmitz |
| E Boland | Y Flider | Y McAsey | N Senger |
| N Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | N Sommer |
| N Brady | N Fortner | Y McGuire | Y Soto |
| N Brauer | N Franks | Y Mell | N Stephens |
| Y Brosnahan | Y Fritchey | Y Mendoza | N Sullivan |
| Y Burke | Y Froehlich | Y Miller | Y Thapedi |
| Y Burns | Y Golar | N Mitchell, Bill | N Tracy |
| N Cavaletto | Y Gordon, Careen | N Mitchell, Jerry | N Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| N Coladipietro | Y Graham | E Mulligan | Y Verschoore |
| N Cole | Y Hamos | N Myers | N Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | N Osmond | Y Washington |
| N Connelly | N Hatcher | Y Osterman | N Watson |
| Y Coulson | Y Hernandez | Y Phelps | N Winters |
| Y Crespo | Y Hoffman | N Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | N Poe | Y Zalewski |
| N Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| Y Currie | Y Jackson | N Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 8

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 2544
LIQUOR - LICENSE
THIRD READING
PASSED

March 31, 2009

86 YEAS 30 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | N Reis |
| Y Arroyo | Y Davis, William | N Joyce | Y Reitz |
| Y Bassi | N DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | N Rose |
| N Bellock | Y Durkin | Y Lyons | Y Ryg |
| Y Berrios | N Eddy | Y Mathias | Y Sacia |
| Y Biggins | N Farnham | Y Mautino | Y Saviano |
| N Black | Y Feigenholtz | Y May | Y Schmitz |
| E Boland | N Flider | N McAsey | N Senger |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| N Brauer | N Franks | Y Mell | N Stephens |
| Y Brosnahan | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burke | N Froehlich | Y Miller | Y Thapedi |
| Y Burns | Y Golar | N Mitchell, Bill | N Tracy |
| N Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | N Tryon |
| N Chapa LaVia | N Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | E Mulligan | Y Verschoore |
| N Cole | Y Hamos | Y Myers | N Wait |
| Y Collins | Y Hannig | Y Nekritz | N Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| N Connelly | Y Hatcher | Y Osterman | N Watson |
| N Coulson | Y Hernandez | Y Phelps | Y Winters |
| N Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| Y Currie | Y Jackson | N Ramey | |
| Y D'Amico | Y Jakobsson | N Reboletti | |

E - Denotes Excused Absence

NO. 9

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 83
$DCFS-FOSTER PARENT-STATE WARD
THIRD READING
PASSED

March 31, 2009

76 YEAS 40 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | N Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| N Bassi | Y DeLuca | N Kosel | Y Riley |
| N Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | N Leitch | N Rose |
| N Bellock | N Durkin | Y Lyons | Y Ryg |
| Y Berrios | N Eddy | Y Mathias | N Sacia |
| N Biggins | Y Farnham | Y Mautino | Y Saviano |
| N Black | Y Feigenholtz | Y May | N Schmitz |
| E Boland | Y Flider | Y McAsey | N Senger |
| N Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | N Sommer |
| N Brady | Y Fortner | Y McGuire | Y Soto |
| N Brauer | Y Franks | Y Mell | N Stephens |
| Y Brosnahan | Y Fritchey | Y Mendoza | N Sullivan |
| Y Burke | Y Froehlich | Y Miller | Y Thapedi |
| Y Burns | Y Golar | N Mitchell, Bill | N Tracy |
| N Cavaletto | Y Gordon, Careen | N Mitchell, Jerry | N Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| N Coladipietro | Y Graham | E Mulligan | Y Verschoore |
| N Cole | Y Hamos | N Myers | N Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | N Osmond | Y Washington |
| N Connelly | N Hatcher | Y Osterman | N Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | N Pihos | Y Yarbrough |
| N Cross | Y Holbrook | N Poe | Y Zalewski |
| N Cultra | Y Howard | N Pritchard | Y Mr. Speaker |
| Y Currie | Y Jackson | N Ramey | |
| Y D'Amico | Y Jakobsson | N Reboletti | |

E - Denotes Excused Absence

NO. 10

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 746
MEDICAID-CLAIM AGAINST ESTATE
THIRD READING
PASSED

March 31, 2009

116 YEAS 0 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Ryg |
| Y Berrios | Y Eddy | Y Mathias | Y Sacia |
| Y Biggins | Y Farnham | Y Mautino | Y Saviano |
| Y Black | Y Feigenholtz | Y May | Y Schmitz |
| E Boland | Y Flider | Y McAsey | Y Senger |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | Y Stephens |
| Y Brosnahan | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burke | Y Froehlich | Y Miller | Y Thapedi |
| Y Burns | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | E Mulligan | Y Verschoore |
| Y Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | Y Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| Y Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 11

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 19
SCH CD-CHI-HAND WASHING REQ
THIRD READING
PASSED

March 31, 2009

68 YEAS 47 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | N Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| N Bassi | Y DeLuca | N Kosel | Y Riley |
| N Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | N Leitch | N Rose |
| N Bellock | N Durkin | Y Lyons | NV Ryg |
| Y Berrios | Y Eddy | Y Mathias | N Sacia |
| N Biggins | N Farnham | Y Mautino | N Saviano |
| N Black | Y Feigenholtz | Y May | N Schmitz |
| E Boland | Y Flider | Y McAsey | N Senger |
| N Bost | Y Flowers | N McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | N Sommer |
| N Brady | N Fortner | Y McGuire | Y Soto |
| N Brauer | N Franks | Y Mell | N Stephens |
| N Brosnahan | N Fritchey | Y Mendoza | Y Sullivan |
| Y Burke | Y Froehlich | Y Miller | Y Thapedi |
| Y Burns | Y Golar | N Mitchell, Bill | N Tracy |
| N Cavaletto | Y Gordon, Careen | N Mitchell, Jerry | N Tryon |
| N Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| N Coladipietro | Y Graham | E Mulligan | Y Verschoore |
| N Cole | Y Hamos | N Myers | N Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | N Osmond | Y Washington |
| N Connelly | N Hatcher | Y Osterman | N Watson |
| Y Coulson | Y Hernandez | Y Phelps | N Winters |
| Y Crespo | Y Hoffman | N Pihos | Y Yarbrough |
| N Cross | Y Holbrook | N Poe | Y Zalewski |
| N Cultra | Y Howard | N Pritchard | Y Mr. Speaker |
| Y Currie | Y Jackson | N Ramey | |
| Y D'Amico | Y Jakobsson | N Reboletti | |

E - Denotes Excused Absence

NO. 12

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 2455
VEH CD-NON-HIGHWAY VEHICLES
THIRD READING
PASSED

March 31, 2009

116 YEAS 0 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Ryg |
| Y Berrios | Y Eddy | Y Mathias | Y Sacia |
| Y Biggins | Y Farnham | Y Mautino | Y Saviano |
| Y Black | Y Feigenholtz | Y May | Y Schmitz |
| E Boland | Y Flider | Y McAsey | Y Senger |
| Y Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | Y Fortner | Y McGuire | Y Soto |
| Y Brauer | Y Franks | Y Mell | Y Stephens |
| Y Brosnahan | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burke | Y Froehlich | Y Miller | Y Thapedi |
| Y Burns | Y Golar | Y Mitchell, Bill | Y Tracy |
| Y Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | Y Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | E Mulligan | Y Verschoore |
| Y Cole | Y Hamos | Y Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | Y Osmond | Y Washington |
| Y Connelly | Y Hatcher | Y Osterman | Y Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | Y Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| Y Currie | Y Jackson | Y Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 13

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3634
EQUAL PAY ACT-RECORDS, ACTIONS
THIRD READING
PASSED

March 31, 2009

89 YEAS 26 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | N Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| Y Bassi | Y DeLuca | N Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | N Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Ryg |
| Y Berrios | N Eddy | Y Mathias | N Sacia |
| Y Biggins | Y Farnham | Y Mautino | Y Saviano |
| N Black | Y Feigenholtz | Y May | N Schmitz |
| E Boland | Y Flider | Y McAsey | N Senger |
| N Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | N Sommer |
| NV Brady | N Fortner | Y McGuire | Y Soto |
| N Brauer | Y Franks | Y Mell | N Stephens |
| Y Brosnahan | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burke | Y Froehlich | Y Miller | Y Thapedi |
| Y Burns | Y Golar | Y Mitchell, Bill | Y Tracy |
| N Cavaletto | Y Gordon, Careen | N Mitchell, Jerry | N Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | N Moffitt | Y Turner |
| Y Coladipietro | Y Graham | E Mulligan | Y Verschoore |
| Y Cole | Y Hamos | N Myers | Y Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | N Osmond | Y Washington |
| Y Connelly | N Hatcher | Y Osterman | N Watson |
| Y Coulson | Y Hernandez | Y Phelps | N Winters |
| Y Crespo | Y Hoffman | Y Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | N Poe | Y Zalewski |
| N Cultra | Y Howard | N Pritchard | Y Mr. Speaker |
| Y Currie | Y Jackson | N Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

NO. 14

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 2369
PROC CD-LIMIT FOREIGN VENDORS
THIRD READING
PASSED

March 31, 2009

73 YEAS 42 NAYS 1 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | N Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| N Bassi | Y DeLuca | N Kosel | Y Riley |
| N Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | N Leitch | N Rose |
| N Bellock | N Durkin | Y Lyons | N Ryg |
| Y Berrios | N Eddy | Y Mathias | N Sacia |
| N Biggins | Y Farnham | Y Mautino | Y Saviano |
| N Black | Y Feigenholtz | Y May | N Schmitz |
| E Boland | Y Flider | Y McAsey | N Senger |
| N Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | N McCarthy | N Sommer |
| N Brady | N Fortner | Y McGuire | Y Soto |
| N Brauer | Y Franks | Y Mell | N Stephens |
| P Brosnahan | Y Fritchey | Y Mendoza | N Sullivan |
| Y Burke | Y Froehlich | Y Miller | Y Thapedi |
| Y Burns | Y Golar | Y Mitchell, Bill | N Tracy |
| Y Cavaletto | Y Gordon, Careen | N Mitchell, Jerry | N Tryon |
| Y Chapa LaVia | Y Gordon, Jehan | Y Moffitt | Y Turner |
| N Coladipietro | Y Graham | E Mulligan | Y Verschoore |
| N Cole | Y Hamos | N Myers | N Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | N Osmond | Y Washington |
| N Connelly | N Hatcher | Y Osterman | N Watson |
| Y Coulson | Y Hernandez | Y Phelps | N Winters |
| Y Crespo | Y Hoffman | N Pihos | Y Yarbrough |
| N Cross | Y Holbrook | N Poe | Y Zalewski |
| N Cultra | Y Howard | N Pritchard | Y Mr. Speaker |
| Y Currie | Y Jackson | N Ramey | |
| Y D'Amico | Y Jakobsson | N Reboletti | |

E - Denotes Excused Absence

NO. 15

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 261
RIVERBOAT GAMBLING-ADMIN
THIRD READING
PASSED

March 31, 2009

70 YEAS 45 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | N Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| N Bassi | A DeLuca | N Kosel | Y Riley |
| N Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | N Dunkin | Y Leitch | N Rose |
| N Bellock | N Durkin | Y Lyons | Y Ryg |
| Y Berrios | Y Eddy | N Mathias | Y Sacia |
| Y Biggins | N Farnham | Y Mautino | N Saviano |
| Y Black | Y Feigenholtz | Y May | N Schmitz |
| E Boland | Y Flider | Y McAsey | N Senger |
| Y Bost | Y Flowers | N McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | N Sommer |
| N Brady | N Fortner | Y McGuire | Y Soto |
| Y Brauer | N Franks | Y Mell | N Stephens |
| Y Brosnahan | Y Fritchey | Y Mendoza | N Sullivan |
| Y Burke | N Froehlich | Y Miller | Y Thapedi |
| Y Burns | Y Golar | N Mitchell, Bill | N Tracy |
| N Cavaletto | Y Gordon, Careen | Y Mitchell, Jerry | N Tryon |
| N Chapa LaVia | Y Gordon, Jehan | N Moffitt | Y Turner |
| N Coladipietro | Y Graham | E Mulligan | Y Verschoore |
| N Cole | Y Hamos | N Myers | N Wait |
| Y Collins | Y Hannig | Y Nekritz | Y Walker |
| Y Colvin | Y Harris | N Osmond | Y Washington |
| N Connelly | N Hatcher | Y Osterman | N Watson |
| N Coulson | Y Hernandez | Y Phelps | N Winters |
| N Crespo | Y Hoffman | N Pihos | Y Yarbrough |
| N Cross | Y Holbrook | Y Poe | Y Zalewski |
| N Cultra | Y Howard | N Pritchard | Y Mr. Speaker |
| Y Currie | Y Jackson | N Ramey | |
| Y D'Amico | N Jakobsson | N Reboletti | |

E - Denotes Excused Absence

NO. 16

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3795
DRUG CT-EVERY CIRCUIT
THIRD READING
PASSED

March 31, 2009

85 YEAS 30 NAYS 0 PRESENT

| | | | |
|---|---|---|---|
| Y Acevedo | Y Davis, Monique | Y Jefferson | Y Reis |
| Y Arroyo | Y Davis, William | Y Joyce | Y Reitz |
| N Bassi | A DeLuca | Y Kosel | Y Riley |
| Y Beaubien | Y Dugan | Y Lang | Y Rita |
| Y Beiser | Y Dunkin | Y Leitch | Y Rose |
| Y Bellock | Y Durkin | Y Lyons | Y Ryg |
| Y Berrios | N Eddy | Y Mathias | Y Sacia |
| Y Biggins | N Farnham | Y Mautino | Y Saviano |
| N Black | Y Feigenholtz | Y May | Y Schmitz |
| E Boland | N Flider | N McAsey | N Senger |
| N Bost | Y Flowers | Y McAuliffe | Y Smith |
| Y Bradley | Y Ford | Y McCarthy | Y Sommer |
| Y Brady | N Fortner | Y McGuire | Y Soto |
| N Brauer | N Franks | Y Mell | Y Stephens |
| Y Brosnahan | Y Fritchey | Y Mendoza | Y Sullivan |
| Y Burke | N Froehlich | Y Miller | Y Thapedi |
| Y Burns | Y Golar | N Mitchell, Bill | N Tracy |
| N Cavaletto | Y Gordon, Careen | N Mitchell, Jerry | Y Tryon |
| N Chapa LaVia | N Gordon, Jehan | Y Moffitt | Y Turner |
| Y Coladipietro | Y Graham | E Mulligan | Y Verschoore |
| N Cole | Y Hamos | N Myers | N Wait |
| Y Collins | Y Hannig | Y Nekritz | N Walker |
| Y Colvin | Y Harris | N Osmond | Y Washington |
| Y Connelly | Y Hatcher | N Osterman | N Watson |
| Y Coulson | Y Hernandez | Y Phelps | Y Winters |
| N Crespo | Y Hoffman | N Pihos | Y Yarbrough |
| Y Cross | Y Holbrook | N Poe | Y Zalewski |
| Y Cultra | Y Howard | Y Pritchard | Y Mr. Speaker |
| N Currie | Y Jackson | N Ramey | |
| Y D'Amico | Y Jakobsson | Y Reboletti | |

E - Denotes Excused Absence

## 36TH LEGISLATIVE DAY

### Perfunctory Session

### TUESDAY, MARCH 31, 2009

At the hour of 7:04 o'clock p.m., the House convened perfunctory session.

## HOUSE BILLS ON SECOND READING

Having been reproduced, the following bills were taken up, read by title a second time and held on the order of Second Reading: HOUSE BILLS 170, 366, 793, 1869, 2366, 3653, 3767, 3854, 3874 and 3964.

## SENATE BILLS ON SECOND READING

Having been reproduced, the following bills were taken up, read by title a second time and held on the order of Second Reading: SENATE BILLS 366, 415, 1186, 1197, 1221 and 1252.

## TEMPORARY COMMITTEE ASSIGNMENTS

Representative Coulson replaced Representative Schmitz in the Committee on Human Services on March 31, 2009.

Representative Howard replaced Representative Boland in the Committee on State Government Administration on March 31, 2009.

Representative Harris replaced Representative Crespo in the Committee on State Government Administration on March 31, 2009.

Representative Ford replaced Representative Froehlich in the Committee on State Government Administration on March 31, 2009.

Representative Hatcher replaced Representative Beaubien in the Committee on Revenue & Finance on March 31, 2009.

Representative Berrios replaced Representative May in the Committee on Environment & Energy on March 31, 2009.

Representative Nekritz replaced Representative Fritchey in the Committee on Business & Occupational Licenses on March 31, 2009.

Representative Colvin replaced Representative Acevedo in the Committee on Business & Occupational Licenses on March 31, 2009.

Representative Washington replaced Representative Jakobsson in the Committee on Elections & Campaign Reform on March 31, 2009.

Representative Stephens replaced Representative Sullivan in the Committee on Public Utilities on March 31, 2009.

Representative Bill Mitchell replaced Representative Saviano in the Committee on Public Utilities on March 31, 2009.

Representative Lang replaced Representative Turner in the Committee on Executive on March 31, 2009.

## REPORTS FROM STANDING COMMITTEES

Representative McCarthy, Chairperson, from the Committee on Personnel and Pensions to which the following were referred, action taken on March 31, 2009, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 3964.

The committee roll call vote on House Bill 3964 is as follows:

9, Yeas; 0, Nays; 0, Answering Present.

Y McCarthy(D), Chairperson
Y Poe(R), Republican Spokesperson
Y Brady(R)
Y Brosnahan(D)
Y Graham(D)
Y Colvin(D), Vice-Chairperson
Y Acevedo(D)
Y Brauer(R)
A Burke(D)
Y McAuliffe(R)

Representative Jakobsson, Chairperson, from the Committee on Human Services to which the following were referred, action taken on March 31, 2009, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 3767.

The committee roll call vote on Amendment No. 1 to House Bill 3767 is as follows:

6, Yeas; 0, Nays; 0, Answering Present.

Y Jakobsson(D), Chairperson
Y Bellock(R), Republican Spokesperson
A Collins(D)
Y Coulson(R) (replacing Schmitz)
Y Howard(D), Vice-Chairperson
Y Cole(R)
Y Flowers(D)

Representative Franks, Chairperson, from the Committee on State Government Administration to which the following were referred, action taken on March 31, 2009, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 3653.

The committee roll call vote on Amendment No. 1 to House Bill 3653 is as follows:

13, Yeas; 0, Nays; 1, Answering Present.

Y Franks(D), Chairperson
Y Wait(R), Republican Spokesperson
Y Howard(D) (replacing Boland)
Y Burns(D)
Y Harris(D) (replacing Crespo)
Y Farnham(D)
Y McAsey(D)
Y Myers(R)
A Ramey(R)
Y Dugan(D), Vice-Chairperson
P Bassi(R)
A Bost(R)
Y Collins(D)
Y Davis, Monique(D)
Y Ford(D) (replacing Froehlich)
Y Moffitt(R)
A Poe(R)

Representative Bradley, Chairperson, from the Committee on Revenue & Finance to which the following were referred, action taken on March 31, 2009, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 2 to HOUSE BILL 366.

The committee roll call vote on Amendment No. 2 to House Bill 366 is as follows:

7, Yeas; 0, Nays; 0, Answering Present.

Y Bradley(D), Chairperson
Y Biggins(R)
Y Hatcher(R) (replacing Beaubien)
A Currie(D)
Y Ford(D)
A Sullivan(R)
Y Zalewski(D)
A Mautino(D), Vice-Chairperson
A Bassi(R)
Y Chapa LaVia(D)
Y Eddy(R)
A Gordon, Careen(D)
A Turner(D)

Representative Holbrook, Chairperson, from the Committee on Environment & Energy to which the following were referred, action taken on March 31, 2009, reported the same back with the following recommendations:

That the Floor Amendments be reported "recommends be adopted":

Amendment No. 2 to HOUSE BILL 170
Amendment No. 1 to HOUSE BILL 1869
Amendment No. 3 to HOUSE BILL 4249.

The committee roll call vote on Amendment No. 2 to House Bill 170 is as follows:

12, Yeas; 0, Nays; 0, Answering Present.

Y Holbrook(D), Chairperson
Y Tryon(R), Republican Spokesperson
Y Bradley(D)
A Durkin(R)
Y Fortner(R)
Y Berrios(D) (replacing May)
Y Poe(R)
Y Reitz(D)
A Smith(D)
A Watson(R)
A Nekritz(D), Vice-Chairperson
Y Beiser(D)
Y Cole(R)
Y Flider(D)
A Hamos(D)
A Phelps(D)
A Reboletti(R)
A Rose(R)
Y Verschoore(D)
Y Winters(R)

The committee roll call vote on Amendment No. 1 to House Bill 1869 and Amendment No. 3 to House Bill 4249 is as follows:

15, Yeas; 0, Nays; 0, Answering Present.

Y Holbrook(D), Chairperson
Y Tryon(R), Republican Spokesperson
Y Bradley(D)
A Durkin(R)
Y Fortner(R)
Y Berrios(D) (replacing May)
Y Poe(R)
Y Reitz(D)
Y Smith(D)
Y Watson(R)
A Nekritz(D), Vice-Chairperson
Y Beiser(D)
Y Cole(R)
Y Flider(D)
A Hamos(D)
A Phelps(D)
Y Reboletti(R)
A Rose(R)
Y Verschoore(D)
Y Winters(R)

Representative Rita, Chairperson, from the Committee on Business & Occupational Licenses to which the following were referred, action taken on March 31, 2009, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 1 to HOUSE BILL 4011.

The committee roll call vote on Amendment No. 1 to House Bill 4011 is as follows:

9, Yeas; 0, Nays; 0, Answering Present.

Y Rita(D), Chairperson
A Coulson(R), Republican Spokesperson
Y Arroyo(D)
A Burke(D)
Y Connelly(R)
Y McAuliffe(R)
A Mitchell, Bill(R)
A Saviano(R)
Y Nekritz(D), (replacing Fritchey)
Y Colvin(D) (replacing Acevedo)
Y Beiser(D)
Y Coladipietro(R)
A Holbrook(D)
Y Miller(D)
A Mulligan(R)

Representative Nekritz, Chairperson, from the Committee on Elections & Campaign Reform to which the following were referred, action taken on March 31, 2009, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 2366.

The committee roll call vote on House Bill 2366 is as follows:

6, Yeas; 0, Nays; 0, Answering Present.

Y Nekritz(D), Chairperson
A Brady(R), Republican Spokesperson
A Durkin(R)
Y Mell(D)
A Reis(R)
Y D'Amico(D), Vice-Chairperson
Y Boland(D)
Y Washington(D) (replacing Jakobsson)
Y Myers(R)

Representative Collins, Chairperson, from the Committee on Public Utilities to which the following were referred, action taken on March 31, 2009, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 3217.

The committee roll call vote on Amendment No. 1 to House Bill 3217 is as follows:

11, Yeas; 0, Nays; 0, Answering Present.

Y Collins(D), Chairperson
Y Bost(R), Republican Spokesperson
Y Coladipietro(R)
Y Crespo(D)
A Franks(D)
Y Mendoza(D)
Y Stephens(R) (replacing Sullivan)
Y Holbrook(D), Vice-Chairperson
A Arroyo(D)
Y Connelly(R)
A Durkin(R)
Y Jefferson(D)
Y Mitchell, Bill(R) (replacing Saviano)
Y Thapedi(D)

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on March 31, 2009, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 366, 415, 1186, 1197, 1221, 1252 and HOUSE BILL 3874.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 793 and 3854.

The committee roll call vote on Senate Bills 366, 415, 1186, 1197, 1221 and 1252 is as follows:

7, Yeas; 4, Nays; 0, Answering Present.

Y Burke(D), Chairperson
N Brady(R), Republican Spokesperson
Y Arroyo(D)
N Biggins(R)
N Sullivan(R)
Y Lyons(D), Vice-Chairperson
Y Acevedo(D)
Y Berrios(D)
Y Rita(D)
N Tryon(R)

Y Lang(D) (replacing Turner)

The committee roll call vote on House Bills 793, 3854 and 3874 is as follows:
11, Yeas; 0, Nays; 0, Answering Present.

Y Burke(D), Chairperson
Y Brady(R), Republican Spokesperson
Y Arroyo(D)
Y Biggins(R)
Y Sullivan(R)
Y Lang(D) (replacing Turner)
Y Lyons(D), Vice-Chairperson
Y Acevedo(D)
Y Berrios(D)
Y Rita(D)
Y Tryon(R)

**SENATE BILLS ON FIRST READING**

Having been reproduced, the following bills were taken up, read by title a first time and placed in the Committee on Rules: SENATE BILLS 367 (Madigan), 1425 (Chapa LaVia), 1538 (Reitz), 1549 (Mathias), 1552 (Froehlich), 1555 (Franks), 1559 (Gordon,C), 1583 (Osmond) and 1586 (Jefferson).

At the hour of 7:10 o'clock p.m., the House Perfunctory Session adjourned.